HOUSE OF REPRESENTATIVES—*Thursday, September 9, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HUTTO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 1993.

I hereby designate the Honorable EARL HUTTO to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Robert Grant:

The earth with its store of wonders untold,
Almighty, thy power hath founded of old,
Hath established it fast by a changeless decree,
And round it hath cast, like a mantle the sea.
Thy bountiful care, what tongue can recite?
It breathes in the air, it shines in the light;
It streams from the hills, it descends to the plain,
And sweetly distills in the dew and the rain.
Frail children of dust, and feeble as frail,
In Thee do we trust, nor find Thee to fail;
Thy mercies how tender, how firm to the end,
Our Maker, Defender, Redeemer, and Friend. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. HOUGHTON] to lead us in the Pledge of Allegiance.

Mr. HOUGHTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) "An act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that it will recognize 15 Members on each side for 1-minutes speeches.

PUERTO RICAN STATEHOOD VOTE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, on November 14, 1993, the people of Puerto Rico will vote on whether to become the 51st State in our Union. It will be only the second such referendum held in Puerto Rico since we annexed the island after the Spanish-American War in 1898.

Since 1952, when the United States granted Puerto Rico local autonomy, support for statehood, as measured at the ballot box, has risen steadily. In 1992 the statehood candidates have captured 20 of 29 Senate seats, 36 of 53 House seats and 54 of 78 municipalities. One of my closest comrades in the U.S. Marine Corps was a Puerto Rican.

Mr. Speaker, frequently we forget that Puerto Ricans are American citizens—patriotic, hard working, and, unfortunately, among the poorest of our citizens. Statehood can and will do much to improve the economy and their status as Americans.

The time has come for the people of Puerto Rico to decide for themselves, and I enthusiastically support their efforts to become our 51st State. I truly believe that both Puerto Rico and this Nation would be much better off if they approve statehood.

And finally, for all of those Members critical of section 936 of the IRS Code, statehood would end this multibillion dollar subsidy which many believe has cost the Treasury precious dollars and their communities scarce jobs.

Mr. Speaker, I rise in strong support of Puerto Rican self-determination and I would like to be the first Member of Congress to welcome them as a State in our Union.

GIVE NAFTA A CHANCE

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, NAFTA is a big issue, with lots of disagreement, lots of numbers flying around. Labor and the far right say we are going to lose jobs; most businesses say we are going to build jobs. So the question is, where does the truth lie?

Today there are three disadvantages: one, labor is cheaper in Mexico; the tariffs are much higher for the United States products going into Mexico; and Japan and Taiwan have a terrific advantage with this maquiladoro springboard into the United States.

With NAFTA, the wage disparity shrinks, tariff disparity goes away, and the dreaded maquiladoro also goes away.

Mr. Speaker, this is not theory. It has always happened this way. Why? Because the United States is bigger, we have more technology, we are more resilient, and because we have a better work force. Look what happened in Canada. The trade relationship with Canada, they had higher average tariffs and a big trade surplus. We instituted the free-trade agreement and eliminated the tariffs. Our exports surged.

Mr. Speaker, it can happen. If NAFTA goes into effect, it will happen. We just have to give NAFTA a chance.

NATIONAL DAY OF THE WORKING PARENT

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, I rise today to acknowledge the tremendous accomplishments of millions of working people in our country—people who, after working hard all day, come home to their primary job—parenting.

Today we commemorate the "National Day of the Working Parent,"

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and we call for the resources to provide working families with the assistance they need to make it in today's world. Working parents need more quality time with their families, greater access to services, and more support from employers and community groups.

Today in my district in San Diego organizations are coming together, including the board of education, city officials, and community groups, such as the National Council of Jewish Women. They will pass out special "food for thought" boxes containing information on child and elder care for both parents and employers.

I commend their efforts and similar efforts throughout the country as we all recognize that the working parent is the backbone of this country.

THE GOVERNMENT IS BROKE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Bill Clinton said, "The Government is broken and we intend to fix it." He was partially right.

In reality, the Government is broke, and we have to fix our spending habits. That means we should cut spending first.

AL GORE has made several excellent suggestions about reinventing Government. In fact, they are so good, Ronald Reagan's Grace Commission made them a decade ago.

The challenge is not in making recommendations. Almost every President in the last 20 years has made similar recommendations. The challenge comes in implementing those recommendations.

In my view, the best way to change the Government is to cut spending. Bureaucracies only adapt when the money supply is limited.

I applaud the President and the Vice President for taking a step in the right direction. Now, I urge them to show real leadership and cut spending first.

JUSTICE DEPARTMENT PERPETRATES FRAUD IN DEMJANJUK CASE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the saga of John Demjanjuk, accused of being the infamous Ivan the Terrible, goes on. Israel reversed that decision; he is not Ivan. Demjanjuk said he was never a Nazi; he never changed his name or appearance.

Mr. Speaker, there are more than 10 people with the name and the exact same spelling, Ivan Demjanjuk, in Ukraine. In fact, there is a member of the Ukrainian Parliament with the exact same name. The bottom line here is now German officials say the so-called Travniki identification card is a fraud.

Where is the Constitution, Congress? Do you just charge a man in America and throw the Constitution out? The bottom line is, John Demjanjuk is not afraid to come back home and look the Justice Department in the eye. They are afraid of John Demjanjuk. And from the evidence that I have uncovered, I say the Justice Department deliberately perpetrated a hoax, a fraud, on the courts of both America and Israel, and that is a felony.

Demjanjuk will not be coming back for a walk in the park; he will be going right back into court, under the Constitution and due process, to fight for his citizenship and face those allegations straight on. That is about all we should be able to guarantee, Members, is some freedom and fairness under the Constitution.

NOW IS THE TIME FOR HEALTH CARE REFORM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, not long ago I received a heartbreaking letter from a woman in my district.

Her husband is a highly skilled machine builder. But he has not worked steadily in 3 years. Every time he finds a job he just gets laid off again.

They have four boys, between the ages of 3 and 16. Money is tight. They have exhausted their savings. And bills are piling up.

But their greatest fear is not about jobs or income. Their greatest fear is about health care.

She writes:

> We are scared to death every time one of the kids get hurt. My 14-year-old was involved in an auto accident.
>
> Since we don't have health insurance, they want $300 before they will pay any bills. We just don't have it.

She summed up the problem better than any of the pundits. She wrote:

> I'm not looking for a handout, but when middle class skilled trades people can't make it, something's wrong.
>
> We need help with health care. It's urgent now.

And she is right.

We have seen all the statistics. We have heard all the stories. We cannot wait any longer.

Now is the time for health care reform.

REINVENTING GOVERNMENT

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, promises, promises, promises. First, Americans were promised a middle-class tax cut last fall. Instead, we've been hit with the largest tax increase in history. Next, Americans were promised that Federal spending was going to be dramatically slashed. Instead, domestic spending is actually going up. Now, President Clinton promises to reinvent Government. Let's hope it's not just another empty promise to be forgotten.

Mr. Speaker, reducing the size of the Government is a good idea. In fact, it's such a good idea, Republicans have been pushing it for the last 50 years.

Cutting spending, especially funding for an overbloated, inefficient bureaucracy, is the key element that any reinvention must have. I urge the President and the Democrat leadership in Congress to work with Republicans to truly slash the massive Federal bureaucracy and to truly change the way they do business in Washington.

HEALTH CARE REFORM

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, when I mailed a health care reform survey to the residents of my district 2 months ago, I expected a constructive and spirited response. But I did not expect the avalanche of individual health care tragedies and urgent pleas for change that continue to descend upon my office even today.

The message from my district is simple and clear: We need health care reform and we need it now. Eighty-seven percent of my constituents who responded to the survey believe that spiraling health care costs are a serious national problem, while sizable majorities support the framework of the President's forthcoming proposal, along with sin taxes to finance these changes.

Mr. Speaker, my constituents and this Nation cannot afford to wait for health care reform. I urge my colleagues, Democrats and Republicans alike, to join me now in working with the President to return health security to our Nation's families.

CUTTING REDTAPE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I have in my hand the latest plan to reinvent Government. The administration says it will create a Government that works better and costs less. Great idea, and I am for it. It is entitled as going from redtape to results. I am for it. I guess everyone else is for it.

My problem is, it does not go far enough. But there are a couple of issues. One is, do we really mean it or is

this another series of campaign slogans, again.

The second is, let us get on with it. Let us not talk about it for 5 years. It is interesting to me that these plans are all 5-year plans. I thought the administration was elected for 4.

We need to get on with it. So I am for moving. Basically, we need to reduce the size of Government and the cost of Government and shift some programs and taxes from the Federal Government to the State level. I'm not familiar with everything, but I do know about a couple of these things.

One is the Minerals Management Service. I have some experience with that. We showed in a hearing this year that the States can collect those Federal royalties for $12 a thousand. The Federal Government costs $80. Now we are asking that that be changed. But this program's solution is to increase the penalties and impose broader fees.

That is not increased efficiency. If it is, I have kind of forgotten what that word means.

ONE YEAR LATER

(Mrs. MEEK asked and was given permission to address the House for 1 minute.)

Mrs. MEEK. Mr. Speaker, on Monday President Clinton kept another promise—he returned to South Dade to visit with the victims of Hurricane Andrew. We have made much progress in the past year, but much remains to be done. Hurricane Andrew, along with the BRAC recommendation, has permanently destroyed tens of thousands of jobs. While thousands of homes have been repaired or rebuilt, thousands more remain.

The President months ago committed his administration to help us help ourselves. It took a little while to get going because the previous administration had made promises and done nothing to implement them.

The President repeated his commitment to be with us for the long haul. I wish I could report to you, Mr. Speaker, that we have completed our rebuilding, but we have a ways to go. In South Dade we do not want a handout but a hand up. We want to work in good jobs and pay taxes, not consume them.

I want to thank President Clinton for spending Labor Day with us and for repeating his promise to help us rebuild our future. He was able to see not just the work of Government but the volunteer efforts of thousands of individuals and organizations from the AFL-CIO to business groups.

One year can make a difference when promises are kept.

TOBACCO TAX

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, you would think President Clinton would be done with higher taxes after placing the largest tax increase in our country's history on the backs of American families.

Not so at the Clinton White House. Here comes health care, and with it—a massive tax increase on tobacco products.

They call it a "sin" tax. But if the new taxes on tobacco do not raise enough money, what sins are next? Twinkies? Moon Pies? Coca-Cola?

We are all committed to solving the health care crisis. I, too, look forward to helping make health care affordable and more accessible.

But singling out tobacco—a crop that employs over 100,000 people in Kentucky alone, and provides millions of dollars for our State—is unfair to rural families, and puts the burden of health care reform squarely on their backs.

Mr. Speaker, rural families will suffer enough from the Clinton gas tax. Don't add to their woes with higher taxes on tobacco.

PRESIDENT CLINTON OFFERS CHANGE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when an unanswered phone forces people in the northwest Indiana district I represent to take a day off from work and travel to Indianapolis only to find an inexplicably closed Federal office, something is terribly wrong. Unfortunately, this experience with the Federal Government has been repeated many times for the people of northwest Indiana.

That is why I am pleased that President Clinton and Vice President GORE have continued their efforts to change America by formulating a plan to reinvent Government to work better and cost less.

The redtape, which often binds businesses and individuals, will be cut.

The owners—the American taxpayers—will come first. The phones will be answered and the offices will be open for business.

And finally, spending will be cut and the Government will be run in an efficient, commonsense manner.

Mr. Speaker, the American people have called for change. President Clinton has—again—offered change. Let us deliver change with a Government that works better and costs less.

REINVENTING GOVERNMENT: ONE PROMISE PRESIDENT CLINTON MUST KEEP

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I have been watching as the cameras have been following Messrs. Clinton and GORE from prop to prop. They are going to reinvent Government, they say. They are going to cut the fat. They are going to streamline.

I am trying not to be skeptical. I really am.

The fact is that 60 percent of the Clinton-Gore plan can be accomplished by Executive order. Today. So I would suggest to the President that he stop mugging for the cameras and start signing those orders.

The fact is that 40 percent of the Clinton-Gore plan can be enacted by Congress. So, Mr. Speaker, I would suggest that you get your Democrat colleagues in line and bring this reform legislation to the floor.

Since we Republicans have been offering these reform proposals for years, we will be ready to assist in the drafting of the legislation. We are ready to go.

Mr. Speaker, I hope the President is sincere, because this is one promise he must keep.

HEALTH CARE REFORM MEANS REAL SECURITY FOR AMERICAN FAMILIES

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, President Clinton's commitment to national health care reform gives this Congress an opportunity to provide real security for American families.

Any illness is a cause for concern, but serious illnesses or injuries can be emotionally and financially traumatic. Worrying about finding the right doctor and the right treatment should be enough. But in our health care system, that is only the beginning of the worries.

First, you have to hope that you are employed and remain employed, because most likely you will have no health insurance otherwise. If you work for a small business you have to worry about whether your illness will cause the insurer to drop your firm's coverage or drastically raise the premium. And, if your illness is chronic, you may now be stuck in your current job because a new firm might exclude coverage for an existing health problem.

We need a health system that eliminates these worries for everyone and lets us concentrate on what is important—getting healthy. President Clinton's commitment to national health reform gives this Congress an opportunity to address the real needs of American families.

WITHDRAW TROOPS FROM SOMALIA

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I asked my colleagues in July and August to withdraw United States military forces from Somalia.

Now in September, as the other body debates United States military presence in Somalia, I ask the leadership and my colleagues to give this important policy matter a fair hearing in the House.

Do not turn your back as we spend $10 in military aid in Somalia for every $1 in humanitarian aid.

Do not turn your back as we get more deeply involved in a civil war.

Do not turn your back as we ship Pakistanis, Americans, and this week Nigerians home in body bags—all in a clouded, confused, and questionable mission.

This week we learned that U.N. forces are taking sides with Somalia factions while other U.N. soldiers are being murdered.

Last week we raided our own U.N. mission. What travesty will next week bring?

Today, as administration officials scurry about the Congress worrying about saving face in Somalia, I think it is time the House of Representatives faced up to this issue.

INTRODUCTION OF LABELING BILL

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, have you ever opened a package that said "Made in the U.S.A." only to find that the contents were labeled "made in Taiwan"?

If that sort of abuse makes you and your constituents see red when you should be seeing red, white, and blue, you might want to cosponsor legislation that I am introducing today to penalize the fraudulent use of "Made in America" labels and require products with foreign content to be labeled to that effect.

Products with "Made in the U.S.A." labels would have to be registered with the Department of Commerce, at least 60 percent of the product must be manufactured in the United States and the final assembly of the product must take place in the United States.

In addition, my bill would assess a $100,000 fine for the fraudulent use of "Made in America" labels.

It would also allow the Secretary of Commerce to seek injunctive relief for fraudulent use.

Finally, my legislation would require products made overseas or products assembled in the United States with foreign content to be labeled to indicate the proportion of the product that is of foreign origin and what country it is from.

Realistically, Congress cannot mandate the purchase of American-made products, but we can and should encourage it.

And we can make sure that products that claim to be made in America really are.

I urge my colleagues to join me in cosponsoring this legislation to protect American jobs.

A CONFLICT OF NUMBERS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, do you remember when President Clinton came before the House and told us that the only budget numbers we could believe were those generated by the Congressional Budget Office? Mr. Speaker, do you remember when the Democrats told us that their economic plan would cut the budget deficit by $500 billion? It turns out that those two things that were said before the Congress do not match up.

The Congressional Budget Office released a report yesterday indicating that the economic plan passed by the Democrats just before this House left on the August recess, using the Congressional Budget Office's own baseline, is only going to reduce the budget deficit by $433 billion over the 5-year period that they claim, and it also turns out that $433 billion, $241 billion of that came from increased taxes, and only $192 billion came from lower entitlement and discretionary spending and interest savings.

In other words, the Congressional Budget Office just wrote off what the Democrats told us time and time again on the floor when they passed the economic plan. The fact is that every Democrat who voted for the President's economic plan defrauded America on the numbers. The Democrats are hoping that middle-class America will overlook that fraud, but the numbers speak for themselves and the middle-class Americans paying the higher taxes are not about to overlook the big new tax bill that will not bring the deficit reduction that they were promised.

NATIONAL WORKING PARENT DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today is National Working Parent Day. this has been a country with a real attitude about working parents. The attitude is, if you are a parent you ought to work, but if you work, we do not want to hear about you being a parent. It has caused all sorts of stress on America's families, and today the National Council of Jewish Women and the Marriott Corp. have launched this day all over America to start talking about how we make America's workplace much more family friendly. It is long overdue. We are the worst of all industrialized nations on this issue.

I am pleased that there will be rallies everywhere. First we can celebrate the passage of the Family Leave Act that happened earlier, but we must also work on the tax code, which is very unfamily friendly.

Imagine, you do better raising a thoroughbred dog or horse than you do a child under the tax code. Imagine, there is a marriage penalty that only gets deeper when you are under our tax code. There is something wrong with that. Let us work on that.

I am thankful for beginning this day. I hope everybody gets out and starts trying to change America's attitude on working families.

LONG ON PROMISE, SHORT ON PERFORMANCE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week the Vice President presented his report on reinventing Government. I cannot imagine anyone being anything but supportive of such an effort. At the same time, I cannot imagine anyone being anything but skeptical.

Reinventing Government does not necessarily mean reducing Government. It will not do us any good to cut Government here only to see it grow there. It is hard to believe this administration does not intend to do just that.

Until yesterday, the White House's solution to every problem has been another Federal program, more Federal spending, and more taxes to pay for them.

However, 60 percent of the GORE report can be accomplished by Executive order of the President, but in 8 months zero percent has been done. In the Senate, AL GORE had a zero rating from Citizens Against Government Waste. And now we are supposed to believe that the President and Vice President have become Government reformers.

That is why I am supportive but skeptical of the Gore report. So far this administration has been long on promise, but short on performance.

URGING COSPONSORSHIP OF THE BIENNIAL BUDGETING RESOLUTION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Madam Speaker, I want to join others in commending the Vice President of the United States, Mr. GORE, for his reinvent Government proposals. Some good proposals have been made. One of the best is that he advocates biennial budgeting. Earlier this year the gentleman from Alabama [Mr. CALLAHAN] and I introduced a biennial budgeting resolution. I hope the Members will join us in cosponsoring this measure.

It is no secret that Government spending is out of control, with annual large deficits and a national debt to prove it. I believe we need oversight of these programs. A 2-year budget cycle would give us more time for evaluating which programs are really working for America, and determining where cuts should be made.

□ 1030

A biennial budget cycle would provide more long-range fiscal planning and reduce Government spending and a biennial budget cycle would discourage agencies from spending all they have got so that they can get more next time.

So, Mr. Speaker, our present annual budget cycle does not encourage the frugal use of Government funds. It is time that we change their. So I ask for all Members to cosponsor and support our legislation for a biennial budget.

WE ARE ALL FOR REINVENTING GOVERNMENT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, the President and Vice President have struck a resonant chord with the American people who know that we must rein in the reign of arrogance in Government. It is the same chord Presidents Carter, Reagan, and Bush hit to deflate the bloated bureaucracy, to cancel the purchase orders for $700 screwdrivers and $900 toilet seats, to replace unwarranted perks and services with clear accounting and good Government services.

Pogo used to say we have met the enemy and he is us. No gender discrimination intended here.

This has new meaning in Congress, and I congratulate President Clinton for pointing it out.

What are we going to do? "Let's listen to the people," Vice President GORE tells us. That is a good idea.

The message is to cut wasteful funding first. Remember those jammed switchboards during the budget debate? Let us listen and act. Let us turn off the spigot of dollars flowing to unnecessary programs and the political payoffs and profligate perks, and Government will get smaller.

It is not too late to reinvent and repeal the $250 billion of new taxes that President Clinton has loaded on us. For that matter, it is not too late to reinvent the Boston Tea Party. That struck a chord we all heard.

CONGRATULATIONS TO VICE PRESIDENT GORE

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to offer my congratulations to Vice President GORE and President Clinton on their proposal for reinventing Government.

This proposal is a firm step in the direction we need to go to get Government working for the people.

I ask my Republican and Democratic colleagues to join together in bipartisan support to put this program on the front burner. This is not a Democratic or Republican idea. It is a sensible idea that will cut redtape, put people first, and empower Government employees to get the job done.

At the same time the program will save the taxpayers more than $108 billion. It will streamline the bureaucracy and it will make Government more effective and responsive to the taxpayers we were elected to serve.

These results will not be achieved overnight, but we need to work together, improve the plan, but most importantly move it forward.

I chaired the audit committee in the Wisconsin State Legislature which addressed some of these issues at the State level. My experience there leads me to believe that we need Government to focus on the modern philosophy of management that has been adopted by private industry.

Mr. Speaker, we need to take these bold kinds of steps and I hope that my colleagues will join me with their support of this innovative proposal.

IT IS TIME TO DEAL WITH CRIME IN AMERICA

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, is it any wonder that the American people are cynical and losing confidence in government? Their cynicism and pessimism is justified.

I too find myself shaking my head in disbelief. What happened to our beloved America? I sat in front of my television set overnight and watched, shook my head in disbelief, and yet over and over again we heard the story of yet another foreign tourist gunned down in Miami.

But do you know what? It was not only the horrible realization that it was yet another tourist. The shock was and the realization was that in any given week Americans by the scores are being killed randomly. But few seem shocked, and the media hardly notices. The police and the media move in to high gear, as with this incident, but when Americans are shot down it is another day at the office.

The President and Congress have only been giving lip service to crime control and making our streets safe. Where is the crime package? Where is the war on drugs? Where is the Brady bill?

Let us get on with it. I ask the President to give us leadership and I ask you, my colleagues, to get behind the crime bill.

MAKING GOVERNMENT WORK BETTER

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, most of us can remember several years ago when President Reagan appointed the Grace Commission. Mr. Grace came through with a series of recommendations for trying to streamline government and to achieve many of the things which we all hope will be achieved to cut the cost of government.

We also recall that the day after the Grace Commission report Secretary of Defense Caspar Weinberger said that he was not going to follow its recommendations. That was a significant statement because many of the recommendations for change were in the Department of Defense.

Nevertheless, some were made by Congress, some by the administration, and some progress was made in an effort to meet the Grace Commission guidelines.

I would like to congratulate Vice President GORE and President Clinton for this new report which tries to get us moving forward again in creating a government that works better and costs less. This reinventing government is a challenge to Congress as well. Congress is either going to catch this wave of reform, or it is going to be drowned by it, because it is time that we stopped business as usual.

What Vice President GORE has done is to challenge us to look anew at the way government delivers its services. I am confident that we can work together in a bipartisan fashion to achieve that.

ADULT LITERACY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, the United States is part of a highly competitive global economy, a world market that rewards high quality products

and services. The key to competitiveness in this global economy is the human mind, its ingenuity and ability to innovate.

But, in today's Washington Post, we read that there are 90 million adults in our Nation who are, in some way, illiterate. The article states that, "Nearly half of all adult Americans read and write so poorly that it is difficult for them to hold a decent job. . . ."

American children do poorly in school, there are no school-to-work transition programs, American employers invest far less in worker training than do their competitors in other industrial nations, people who need to go back to school do not, and the effort Congress has made to address the problem of illiteracy has been fragmented.

And, yet, literacy affects the very core of this country. The quality of life, cycles of poverty and welfare, the education of our children—all of these depend on the education of our people.

Mr. Speaker, the problem of illiteracy should be a number one priority for a partnership of Federal, State, and local government along with the private sector.

TRIBUTE TO UNIVERSITY OF SOUTHERN CALIFORNIA SPIRIT OF TROY TROJAN MARCHING BAND

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, as an alumnus of the University of Southern California, I am proud to rise in the House of Representatives today to pay tribute to Dr. Art Bartner and the University of Southern California Spirit of Troy Trojan Marching Band. Many of the members of the band and Dr. Bartner himself are with us today in the Chamber in the gallery.

The Trojan Marching Band is a student operated and staffed organization consisting of over 300 musicians representing more than 60 fields of undergraduate and graduate study. It was established in 1880 and has grown since that time to become the largest spirit band in the entire State of California.

It represents the University of Southern California throughout the country and overseas. During its over 100 years of existence, the Trojan Marching Band has performed for 12 United States Presidents. They have also participated in the Inaugural Marching Band and in the dedication ceremony of the Richard M. Nixon Library.

In 1984, the Trojan Marching Band added to the Olympic spirit in Los Angeles by participating in the All-American Marching Band, a key part of the 23rd Olympiad. And in the summer of 1990, the Trojan Marching Band played a historic concert at the Brandenburg Gate after the fall of the Berlin Wall.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in honoring the USC Trojan Marching Band for their musical talent and their dynamic spirit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUTTO). Members will be advised not to refer or give recognition to those in the gallery.

NO NEW TAXES

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, yesterday, the administration indicated that it plans to increase excise taxes significantly. Before we venture down the path of higher taxes yet again, I hope my colleagues will consider the message most of us heard while we were home.

The American people are tired of higher taxes and bigger government. I held town hall meetings in each of the 16 counties in my district. At every one of these meetings, I was asked how Congress could justify higher taxes with nothing to show for it.

The fact is that excise taxes on gasoline already cost rural consumers like the ones in my district 52 percent more than they do urban consumers. Rural consumers also pay a 44 percent higher excise tax burden on tobacco and 26 percent higher burden on utilities, according to a recent Auburn University study.

Mr. Speaker, higher taxes are bad for the economy. Higher excise taxes hurt rural consumers. President Clinton just got the highest tax increase in history passed through Congress. Is it not time we gave the citizens of this country a break?

Let us all take the no tax pledge.

□ 1040

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore (Mr. HUTTO). Pursuant to House Resolution 246 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 1993, amendment No. 3 printed in part 1 of House Report 103-223 offered by the gentlewoman from Colorado [Mrs. SCHROEDER] had been disposed of.

TRIDENT II (D-5) MISSILE

Pursuant to House Resolution 246, it is now in order to debate the subject matter of the Trident II (D-5) missile.

The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we now begin 30 minutes of debate on the Trident II D-5 missile. In order to set the stage, let me point out to my colleagues that at the end of general debate there will be three amendments presented to the House. The first amendment will be the Dellums-Penny-Woolsey amendment that would terminate procurement of the D-5 missile, followed by an amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE], that would eliminate advanced procurement for the D-5 missile. Finally, an amendment offered by the gentleman from Washington [Mr. DICKS], that would require a study of the D-5 program by April 1.

Having set the stage for this part of the debate on the fiscal year 1994 DOD authorization bill, let me now make a few comments.

Mr. Chairman and members of the Committee, I rise today to share with my colleagues my reasons for why we should end production of the D-5 nuclear missile in fiscal year 1994.

Most of the arguments you hear about the D-5 are that it is an effective missile, the backbone of our strategic deterrent, and so forth. Mr. Chairman, that argument in this gentleman's humble opinion is not relevant. The debate is not over whether we should have any in our arsenal—the fact is we already do—but rather how many we should have. This amendment does not say no D-5's at all. It just says buying 295 is enough, we do not need more of them with today's tight budget, in the post-cold war world that has radically changed.

No one is saying we should take the D-5's we now have or soon will have and grind them into dust. That may indeed be a good idea. But we just do not need any more at this time. We desperately need the billions that more D-5's will cost to use for deficit reduction

and the needs of the citizens of this country.

We have at this time 249 D-5's delivered or on order and over 400 C-4 missiles. Russia wants to join NATO, our deficit is running at terrifying levels, and yet we are told we should continue to spend $1 billion per year on the D-5 nuclear missile for the rest of this decade and well into the next. What a tragic waste of scarce federal resources!

According to the Navy, we need at least 133 more D-5 missiles. Instead of paying billions of borrowed dollars to do this, we should consider the following steps:

No. 1, by keeping our D-5's with eight warheads each, instead of downloading them to four, we could still have the same 96 warheads per Trident submarine that the Navy says it needs, but it would require 120 fewer D-5's. This is almost all of the 133 the pentagon says it wants.

Now, Mr. Chairman, this may seem like a pie-in-the-sky option, but the fact of the matter is that this option was under active consideration by the previous administration. Indeed, in point of fact, former Secretary of Defense Cheney so stated in testifying before the Foreign Relations Committee in the other body in the summer of 1992. As a matter of fact, he specifically stated:

> We are still wrestling with and have not made the final decision yet as a department whether we will actually downgrade warheads on missiles to comply with START-II or whether we will downgrade missiles on boats. We could achieve the same result by 18 missiles instead of 24.

So that option is a very real option.

No. 2, by reducing the D-5 flight test rate to the same pace as that used by the Air Force for its strategic missiles, the Navy would need 60 fewer D-5's. Third possibility: reducing the START-II overall warhead ceiling from 3,500 to 2,500 and any time in the next 20 years could indeed lower the Navy's D-5 requirement by up to 125 missiles, nearly all of the 133 they say they want.

The administration tries to scare us into thinking that we should not act because we would "open Pandora's box on the START Treaty." This, in this gentleman's opinion, is a scare tactic. As they have said elsewhere, military and fiscal considerations are more important than arms control on the question of the D-5 and START. They are using START as a smokescreen to scare people from taking a close look at this issue. If you were to go to your constituents and ask them whether they would want the Government to buy as many as 325 more cold war nuclear missiles for $15 billion or to use that money to reduce the deficit and putting people back to work, what do you think they would say, Mr. Chairman? To ask the question, I believe, is to answer it.

Mr. Chairman and Members of this body, the cold war is over. We do not need to spend billions on weapons that are not needed. For these reasons, I urge my colleagues to support the amendment at the appropriate point in the RECORD.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support for a program that is critical to U.S. national security, the Trident II [D-5] sea-launched ballistic missile [SLBM]. Specifically, I rise in opposition to an amendment to H.R. 2401 to be offered by the gentleman from California [Mr. DELLUMS] to terminate production of the D-5 in fiscal year 1994. In addition, I rise in opposition to the amendment to be offered by the gentleman from Hawaii [Mr. ABERCROMBIE] to delete funding in H.R. 2401 for advanced procurement for the D-5 missile. I do support, however, the amendment to be offered by the gentleman from Washington [Mr. DICKS] to permit the expenditure of funds for the D-5 beginning on October 1 of this year.

Mr. Chairman, under the START I and II arms reduction treaties, the United States is required to dramatically reduce the number of strategic warheads in its arsenal. The administration has decided to place the bulk of the remaining U.S. warheads in the stabilizing and more survivable submarine leg of the strategic triad. Relying more heavily on SLBM's requires the United States to produce enough D-5 missiles to equip the 10 Atlantic Ocean strategic submarines configured to carry the D-5. In pursuit of this objective, DOD has requested the funds necessary to procure an additional 24 D-5 missiles in fiscal year 1994.

Terminating D-5 missile production now would force a choice between two equally undesirable options: (1) send submarines to sea with empty launch tubes, or (2) conduct costly modifications to the new Atlantic Ocean Trident submarines so as to permit them to employ the aging and less capable C-4 missile whose service life is limited—an option that could end up costing more than procuring the additional D-5 missiles. Either option will impose severe operational disadvantages and will create substantial inefficiencies in the overall U.S. strategic program.

Terminating D-5 production would also complicate U.S. arms control efforts. In fact, the Clinton administration strongly opposes any effort to reopen either START treaty to amendments—as would be required if the Dellums amendment were to become law. As President Clinton noted in a letter I received on August 2:

> Some have suggested that the United States could save money by simply deploying half as many D-5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D-5s on each Trident while having each missile carry 8 warheads.
>
> There are a number of major problems with this "de-tubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D-5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes one each submarine would count as though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.
>
> Unfortunately, a U.S. proposal along these lines would open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of those agreements.

Here is what chairman of the Joint Chiefs Gen. Colin Powell said about the D-5 missile in a July 27 letter:

> The D-5 missile on Trident submarines will be the backbone of U.S. strategic deterrent forces [under START II] * * *. I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine * * *. I believe that production of the D-5 should not be prematurely terminated. The vast majority of the Trident investment is behind us, and procuring the remaining missiles for Atlantic Ocean Trident submarines will ensure a credible deterrent force well into the 21st Century.

Secretary of Defense Les Aspin also strongly opposes the Dellums amendment. According to a July 19 letter I received from Secretary Aspin:

> Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provides a key and unique hedge against future uncertainties * * *. Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

Mr. Chairman, for these reasons I strongly support the Trident II [D-5] missile program, and urge my colleagues to vote "No" on the Dellums and Abercrombie amendments to terminate production of the D-5 missile.

□ 1050

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY], who is also a coauthor of an

amendment that will come before the body at the end of the general debate.

Ms. WOOLSEY. Mr. Chairman, the cold war is over, the cold war is over, the cold war is over. Mr. Chairman, we have heard this phrase repeatedly as we have debated defense spending here in the House of Representatives. But, while we keep hearing about the cold war being over, Mr. Chairman, Congress is failing to translate this message into sound peacetime spending policies.

Mr. Chairman, the cold war is over, but we still have a cold war defense budget—$30 billion more in 1994 dollars than were budgeted in 1975. The cold war is over, and we are still being asked to pay $10 billion for the Trident D–5, a relic from a past era no longer needed to penetrate targets in the former Soviet Union.

In this new era, we must spend our scarce dollars on the important domestic issues that have been neglected over the past 12 years. Thirty seven million people are going without health care, and programs like Head Start are not fully funded, because we choose to spend money on unnecessary weapons instead of our children. Later this year, Congress will consider health care reform, education reform, welfare reform, and worker retraining. I would hate to go home and tell the people of Marin and Sonoma Counties in California's 6th Congressional District, that we failed to deal with these problems because we voted to spend $10 billion on the Trident D–5 nuclear missile. I would much rather tell them that this money will be used to cut the deficit and invest in worker retraining.

Mr. Chairman, I urge my colleagues to vote for the issues we were all elected for in 1992, and to join Chairman DELLUMS, the gentleman from Minnesota [Mr. PENNY] and myself in voting to eliminate this wasteful spending program and invest in our country's future.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I agree with the gentlewoman from California who just spoke. The cold war is over. During the cold war we had something called the Triad system. During the Triad we had bombers, we had land-based missiles, and we also had sea-based missiles.

Now, you know, we do not have those anymore. The Triad system of the cold war is over, so we have decided not to use bombers anymore and most of our land-based missiles are being closed up at this particular time.

So the agreement we have come up with leaves us with one thing. That is all we have got, Mr. Chairman, one thing left, as I see it, that has a nuclear deterrent, and that is the Trident submarine in the Pacific and Atlantic Oceans. Please keep in mind that 70 percent of the world is covered with water. I think our negotiators were smart to put it on a basis where we had it in a Trident missile.

Now, keep in mind also that we have given up on a number of missiles in the past. They are no longer part of it. The one the gentleman from South Carolina spoke of, the C–4, is in the Atlantic Fleet at this time.

Was the C–4 ever intended to be our first line of defense? The answer is no. The C–4 was a temporary missile waiting to come up with the D–5. So the D–5 is now the issue in front of us.

So when we have only one thing left, all our eggs in one basket, it only seems reasonable to me that we use the one thing we have got, the best thing we have got.

You cannot compare missiles to missiles. We are talking apples and oranges. The D–5 is far superior to the C–4 or the missiles we had before, so we have to be very, very careful as we get into this situation.

We no longer have nuclear bombers on alert. The strategic role has all but disappeared. Our land-based force is being reduced. The Peacekeeper which contributed to bringing the changes in the former Soviet Union is being inactivated. Minuteman II's are being eliminated. Minuteman III's are approaching the end of their original design life cycle and are nowhere near as accurate as the D–5.

Please take a look at the GAO evaluation of the Strategic Triad. It outlines how expensive it would be to restart a D–5 line in the future. They say it would be extremely short-sighted. Every defense official that I have talked to, and that I have heard of, Gen. Colin Powell, Gen. Lee Butler and the Strategic Force Command, to Secretary Les Aspin have testified and written strong letters of support for the D–5 program.

And one other person we should all take heed to at this time by the name of William Clinton has said that he thinks it would be foolish to do away with the D–5 missile.

So, Mr. Chairman, I would say what we have left is the D–5. We are not in a position of saying we have the Triad.

I agree the cold war is over, but I would like to remind people of the statement that the Director of the CIA likes to make, Jim Woolsey. He makes the statement:

> The Soviet Union was a big dragon out in the jungle. Now it has dropped and fallen apart, and now there are 50 poisonous snakes.

I would worry about the 50 poisonous snakes, if I were the people voting on this today. Keep in mind those snakes can be just as devastating, just as powerful, just as hard as the Soviet Union, and the best deterrent we have got is our sea-based Trident D–5 missile which we would like to put in the Atlantic Ocean, as it is in the Pacific Ocean.

I have such great respect for the chairman of the committee and what he states about this, but Mr. Chairman, in this case let us vote to keep the D–5 alive.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

First, let me respond to my colleague by saying that to contemplate fighting a nuclear war, in this gentleman's opinion, is the height of madness. What we ought to be about is deterrence, not the actual use of these weapons.

To talk about no longer having a Triad, I would remind my colleagues that we still have 500 Minuteman missiles. We still have 20 B–2's nuclear equipped. We still have 96 B–1's nuclear equipped. We still have 95 B–52's nuclear equipped.

Mr. Chairman, with those remarks, I now yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a supporter of the Dellums amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Dellums-Penny-Klug-Woolsey-Morella-Inslee amendment, which we will consider after this general debate. This amendment, as has been stated, will reduce spending on the D–5 missile program by $1.2 billion in fiscal year 1994. Half of the savings will go to further reducing the deficit, with the other half dedicated to Defense conversion programs.

The D–5 missile is a weapon conceived in the cold war with no practical purpose in the post-cold war era. Our security no longer requires a multilayered hard target capability to counter a Soviet arsenal. Moreover, the Navy already has D–5 missiles in sufficient numbers to run up against the submarine-launched ballistic missile warhead limits agreed to in the START I and START II Treaties. In addition, the amendment which will be offered will allow for deployment of D–5 missiles already produced, resulting in a D–5 deployment which the Congressional Budget Office determined earlier this year to be sufficient to deter nuclear war.

The Dellums-Penny-Klug-Woolsey-Morella-Inslee amendment will bring about not only an immediate savings in fiscal year 1994, but it will also save $10 billion in procurement costs over the next several years, not including the interest costs on the money that we would need to borrow to pay for continued procurement. I urge Members to support the amendment when it is offered.

□ 1100

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I want to say, first of all, a word of congratulations to the chairman of the committee, the gentleman from California [Mr. DELLUMS], and the ranking member, and to the distinguished staff of the committee. I think they are doing a great job, and I enjoy the fact that we can come to the floor of the House of Representatives and have a spirited debate on these very important national security issues, and the chairman and I have had these debates over the years. He has won some, and I won some, but I always look forward to it, and I appreciate the fact that we can come here, and engage each other, and discuss important national security issues.

On the question of the D-5 missile, Mr. Chairman, I would just say to my colleagues that I understand that some people feel the cold war is over, and yet the reality is that the former Soviet Union and the four new Republics still possess 10,000 nuclear weapons that have not yet been dismantled. I hope and pray that their leadership will remain in the hands of Mr. Yeltsin and the democrats, et cetera, but that is anything but certain.

I would also point out to my colleagues, as the gentleman from Utah [Mr. HANSEN] did, that we are taking down almost every single strategic program we have. We have ended the Peacekeeper missile. We are taking down our Minuteman III's from three warheads to one warhead. We are eliminating the small ICBM. We have canceled the SRAM II. We have eliminated the W-88 warhead. We have today one single strategic ballistic missile system under production, and that is the D-5 for the Trident submarine.

Mr. Chairman, I will later today offer an amendment which I think corrects a mistake that was made in this bill. The bill would have a study that would cause a production line interruption, and, according to the Navy, this would cause a serious escalation in cost of this missile. We are going to have a debate on this issue, up or down, on D-5, but after that is done I hope, if the House decides, as I expect that it will, that the D-5 should go forward, then I would hope that we could, under the Dicks amendment, correct the problems.

Basically what I say, Mr. Chairman, is:

Let's have a study that looks at the cost effectiveness of D-5's on the Pacific submarines and D-5's as compared to the C-4's for those Pacific submarines; and, No. 2, during that timeframe we would not break the production line. So, we would have the study, we would get the benefit of the study without breaking the production line, and that is basically what my amendment does.

However, Mr. Chairman, I would urge my colleagues to reject both the Dellums amendment and the Abercrombie amendment. I think we need to stay with the D-5 missile. It is our one strategic modernization that we still have in place. The world has changed, but we are still not yet confident of what is going to happen to those Russian Republics, and frankly we all support the D-5 and the Trident Program because it was the most cost effective, the most survivable system. If we are talking about, as my colleagues know, having a system, that is the one that makes the most sense to me, and we should not prejudge whether we take the C-4, fix it up, or put the D-5 on the Pacific Tridents. It may be less expensive to do D-5 modernization on the Pacific Tridents than to upgrade the C-4.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendments that will be offered by the distinguished chairman and the gentleman from Hawaii.

Continued procurement of the D-5 missile is absolutely essential to our future strategic deterrent capabilities.

Those who want to stop production of this particular weapon system argue that we do not need any more since the cold war is over and since purse strings are tightening.

Yes, the cold war is over and the Soviet Union is no more, but many of the nuclear weapons that existed in the former Soviet Union still exist—and they exist in the hands of much less stable governments than the one that used to be run with an iron hand out of the Kremlin.

In an unstable world, strategic deterrent is still critical to America's defense, and the D-5 and Trident fleet are critical to that deterrent.

Additionally, stopping procurement now might very well force us to reopen negotiations on the START II Treaty. President Clinton has stated that some of the alternatives suggested by those who want to end procurement of the D-5 would do just that, and he is opposed to it.

Joint Chiefs Chairman Colin Powell calls the D-5 the backbone of U.S. strategic deterrent forces, and is opposed to terminating procurement.

Defense Secretary Les Aspin, has said continued D-5 production provides a key and unique hedge against future uncertainties.

I urge my colleagues to vote no on the amendments to halt procurement of the D-5 missile.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] is recognized for 3 minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Mr. Chairman, it has been stated on the floor here that there are 295 D-5's currently procured. In fact, there are 235 procured in an inventory. The balance have been used or expended in testing. The request this year is for 1,128,000,000. That will buy 24 more missiles. It will also fund $145 million for fiscal year 1995 advanced procurement, and, if that is knocked out by the Abercrombie amendment, we are effectively stopping this program in fiscal year 1994. If our chairman's amendment is adopted, we will effectively stop it after this fiscal year.

What happens? If we stop the D-5 Program at 235 missiles, as our chairman would propose, or at 259 missiles, as the gentleman from Hawaii [Mr. ABERCROMBIE] would have, then we are short of the Navy's requirement by a significant amount. The Navy says that they need, in order to accommodate the 10 boats in the Atlantic which will be outfitted and built custom-made to take the Trident II missile, they will need 428 Tridents.

Let me explain why 428. There are 24 tubes on each Trident II missile submarine. Each of those tubes obviously carries one missile—24 times 10 is 240. That is a basic requirement.

In addition, the Navy needs about 15 missiles for King's Bay, GA. When a missile turns up defective in a tube, they need to take one out and have a backup missile ready to insert in its place.

Furthermore, Mr. Chairman, the Navy has used a number of missiles and will need several more for certification. The number there is 35.

And finally this missile is tested periodically, and not just to test a missile, but test the whole system, the submarine, the crew, and everything, and since this will be the key strategic deterrent of the United States for years to come, it is critically important that it be tested rigorously, and the Navy says they need to test six missiles a year, the missile, the submarine, the crew, and everything. That comes to 138 missiles.

I say to my colleagues, If you add those together, 240 plus 15 backup missiles, plus 35 for test certification, plus 138, that is 428 missiles. If we vote for this amendment, the Dellums amendment, we will stop at 235, far short of the 428 requirement. If we vote for the Abercrombie missile amendment, we will stop at 259 missiles, far short still of the 428 requirement.

Now the implication is that we can just take the C-4 missile and stick it in the tubes, that it is already a substitute for the D-5 missile. Let me tell my colleagues why that is not so. The C-4 is 10 inches narrower in diameter, and the C-4 weighs 73 pounds versus 130,000 pounds for the D-5. It does not fit in the D-5 tube, and so five boats at

least, maybe more, will have to be retubed, which means that the whole submarine will have to be reconfigured. The cost computed by the Navy is $350 million.

By the way, the last thing we want to do is take these contracts to Electric Boat, reopen the contract in a firm which has dwindling business, and start negotiating the price all over again. This is not a cost saver.

Let me make one more point. It has been stated that the additional cost to complete is $10 billion. The cost to procure all of these missiles is $4.4 billion if we add up all the procurement accounts over the next number of years to be procured.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. SISISKY], a member of the committee.

Mr. SISISKY. Mr. Chairman, I support the President's request to procure 24 D–5 missiles in fiscal year 1994.

Under START II, U.S. strategic defense will rely more heavily on sub-launched ballistic missiles.

With cutbacks and downsizing, it makes sense to ensure that our remaining defenses are trustworthy, capable, and reliable. The bottom-up review found that: 24 D–5's in fiscal year 1994 is necessary even to equip only 10 Tridents—rather than the 18 Tridents actually under consideration.

Twenty-four D–5's in fiscal year 1994 is necessary even if we lower the rate of test firings below accepted levels.

After next year, requirements remain unclear and depend on a number of factors that are difficult to predict.

These factors range from general uncertainty in the world to the size of the test program.

For the time being, however, the requirement is clear and the President made the right decision.

The D–5 is the only strategic missile currently in production, and continued production hedges against uncertainty.

Cutting D–5 removes one of the only incentives for Russia to continue complying with START.

Finally, we are not in this alone. Cutting production forces the United Kingdom to change their plans to equip their own Trident Force.

I urge my colleagues to support the President's request, and oppose amendments to terminate production of the D–5.

Mr. DELLUMS. Mr. Chairman, in order to close the debate on this side of the aisle, I yield the final 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Chairman, during debate on the recently approved reconciliation bill, I heard it said—time and time again—of the budgetary constraints that gripped our Nation and limited our ability to address important social needs. I have already heard mentioned—time and time again—that we may have to take a second look at this year's appropriations bills because more cuts must be found.

Well, Mr. Chairman, I submit that, if we are still looking for areas to cut spending, the D–5 missile is the best place to start and the Dellums amendment is the best approach to follow. This very sensible amendment would terminate procurement of the D–5 intended for Trident 2 submarines after 1993.

According to the Office of Management and Budget, the Dellums amendment will produce savings of $1.2 billion in fiscal year 1994, an nearly $10 billion by the year 2000. The amendment wisely allocates half of these savings to deficit reduction and half to economic conversion, thus balancing the needs of a sound defense policy with the needs of a sound budget policy.

Let me remind my colleagues that the termination of the D–5 proposed in this amendment would in no way inhibit U.S. ability to defend its borders or deter threats. The D–5 is a submarine launched missile that was designed to blow up the Soviet Union. Well, the Soviet Union has blown up on it own. Our Nation no longer needs this cold war dinosaur.

I urge my colleagues to come to terms with the defense realities of 1993, to support increased funding for economic conversion and job training, and to support a most reasonable deficit reduction effort by supporting the Dellums amendment on the D–5 missile.

Mr. WELDON. Mr. Chairman, for years, we have seen a concerted effort to undermine modernization of our strategic triad.

First, it was the MX. Unstable, unreliable, they said. We already have adequate systems to deliver nuclear weapons. I read a quote from the debate in 1989 against MX:

> As far as mobile systems are concerned, we already have many of those. We have three types of systems we are going forward with. We have our submarines, the best force in the triad, three types of bombers, and we are going to have possibly the Midgetman.

Then it was the bomber upgrades. In addition to citing technical program problems, the critics once again argued that we have other effective delivery systems to deliver nuclear warheads on target.

After years of congressional wrangling over this issue, the Bush administration announced an unprecedented standdown of nuclear forces. But we did so knowing we had finally made progress on other arms reductions agreements with the Soviets and with the confidence that we could finally achieve mutually verifiable strategic arms reductions with the Soviets.

In January 1992, President Bush terminated MX. He took our bombers off alert status. It was the most dramatic action taken toward nuclear drawdown in history. That year, Congress halted production of the B–2 bombers. All major accomplishments in the arms control arena.

There have been efforts in the past to kill the Trident D–5, but they have failed miserably. But now that all the other systems have been terminated, we're back to slay the last dragon. The sea leg of the triad is the only one left with a warm production line, so some in this body are going to insist that we go after it, too. No matter that it was always the Trident force which was used to justify elimination of other strategic modernization programs.

I want to read a quote from our former colleague, Charlie Bennett, the recently-retired Chairman of the Seapower Subcommittee. During the D–5 debate in 1989, he said:

> This body has rejected attempts to halt production of the D–5 missile seven times in recent years. Why is this so? Simply put, it is because the D–5 can carry either greater payloads or equivalent payloads to longer ranges than its predecessor, thereby providing a much greater scope of opportunities that mean greater flexibility and survivability for our strategic forces.

Well, my friends as we have continued to reject attempts to kill D–5 production since that time. And we should do so today. Because of cost considerations and sound policy reasons, we have all but abandoned our efforts to modernize the air and land legs of the triad. As Secretary Aspin said in his recent letter, the United States will rely more heavily on submarine launched ballistic missiles [SLBM's] under START II. He says ending production of D–5 would eliminate incentives for Russia to implement both START I and START II. Colin Powell says that the D–5 missiles on the Trident submarines will be the backbone of the U.S. strategic deterrent forces in the START II environment. President Clinton has echoed these sentiments, warning that efforts to undermine the Trident Program could jeopardize START progress and open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous.

The President, the Joints Chiefs of Staff, and the Secretary of Defense have all cautioned us that termination of D–5 could have significant consequences for progress on arms reductions and dismantlement. They all believe that D–5 is absolutely essential to our strategic deterrent.

Those who believe the cold war is over should take the time to learn how fragile the arms reduction process is, and to understand that significant progress does not equal complete success. We must heed the advice of our leaders who are dealing firsthand with strategic deterrence and arms reductions, and reject amendments to kill D–5.

Mr. ABERCROMBIE. Mr. Chairman, I rise to day to share with my colleagues why I think we can safely bring to a close our program of building D–5 submarine launched missiles after we buy a final 24 in fiscal year 1994. My amendment would eliminate $145 million for advanced procurement of the D–5—Trident II—missile.

Most arguments you will hear about the D–5 will tell you that it is highly effective and the backbone of our strategic deterrent.

Mr. Chairman, you can agree with both of those statements and still vote for this amendment. This amendment does not say that the D–5 is a bad weapon. We thank the Navy for a job well done, but we must recognize, that in this era of budget cuts we just do not need to spend billions on still more missiles.

The current D–5/C–4 inventory exceeds 650, and the Department of Defense Weapon

Support Improvement Group reports that the C–4's will last 23 more years or until the year 2016.

No one is saying we should throw away or get rid of the 273 D–5's we do, or soon will, have. It is a fine missile. We just do not need to spend billions on more. My amendment would save a minimum of $4 billion and up to $11 billion in missile production costs alone. The additional $7 billion would be saved if the Navy finally decided not to backfit the Pacific Fleet and replace the C–4's currently in use.

Mr. Chairman, the cold war has been history for over 2 years, our deficit is the highest in the history of this country, and yet we are told we must continue to build 24 D–5's per year at a cost of $50 million per missile and $1 billion per year from now until the year 2007.

There are alternatives. According to the Navy, they need a minimum of 109 more D–5 missiles after 1994. Instead of borrowing billions of dollars to do this, I believe it would be better to consider the following:

First, maintain current number of warheads per missile at eight instead of reducing to four as the Navy has planned. We could have the same 96 warheads, but would require 120 fewer D–5's. This would already amount to more than the 109 the Pentagon has requested;

Second, reducing the D–5 flight test rate to the same pace as that used by the Air Force for its strategic missiles, 3 per year, would eliminate the need for 60 missiles, and

Third, any reduction in the overall warhead ceiling of START II down from 3,500 to 2,500 any time in the next 20 years would eliminate the Navy's requirement by up to 125 missiles.

Mr. Chairman, put simply, the production of the D–5 missile should be stopped after fiscal year 1994 because it is possible to maintain our START II ceilings on submarine launched warheads with our current inventory. Any suggestion that we should do nothing in this area because of START II considerations should be seen as a smokescreen to scare people away from taking a closer look at this issue.

The elimination of advanced procurement money from the fiscal year 1994 DOD budget would save a minimum of 120 missiles and a minimum of $4 billion while retaining the same basic strategic capabilities.

The House Armed Services Committee has already directed the Secretary of Defense to examine other options which would allow us to achieve the submarine-launched ballistic missile warhead levels permitted under START II at significantly reduced cost and to report to the congressional defense committees on these options no later than April 1, 1994. As I have outlined, the Navy has many options to meet our strategic needs.

The Senate Armed Services Committee has added money to their bill to increase long-lead funding for next year which would double D–5 production rates. We as members of this body need to pass this amendment to offset this unwise action.

Mr. Chairman, the cold war is over. The American public knows that 650 nuclear-tipped submarine-launched missiles, backed up by over 200 strategic nuclear bombers and 500 deployed ICBM's are far more than enough to meet our needs for a strategic nuclear deterrence. They also know that in this time of budgetary constraint more D–5's are not needed for the strategic defense of this country. With the production of 24 missiles in 1994, we will have a sufficient SLBM inventory of C–4/D–5's to meet our needs into the next century.

The adoption of my amendment would stop production of the D–5 after fiscal year 1994 and would save the taxpayers $4 to 11 billion. America needs to reduce the deficit and not spend billions more on unneeded relics of the cold war.

□ 1110

The CHAIRMAN pro tempore (Mr. DURBIN). All time on general debate has expired. It is now in order to consider amendment No. 1 printed in part 2 of House Report No. 103–223.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Strike out subsection (a) of section 153 (page 31, line 22, through page 32, line 5) and insert in lieu thereof the following:

(a) TERMINATION OF PRODUCTION.—None of the amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994 may be obligated for procurement of Trident II (D–5) missiles or for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

Strike out subsection (c) of section 153 (page 32, lines 16 through 24).

At the end of subtitle E of title I (page 33, after line 6), insert the following new section:

SEC. 155. REALLOCATION OF FUNDS.

(a) REDUCTION IN FUNDS FOR D–5 MISSILE.—The amount provided in section 102(a)(2) is hereby reduced by $1,128,551,000, to be derived from the Trident II (D–5) missile program.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, to begin the debate on the Dellums amendment, I am pleased to yield 1 minute to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find myself in an awkward position today, in fact working against, in some ways, a number of my colleagues I have worked with in the past, including the gentleman from Utah [Mr. HANSEN]. The gentleman from Utah and I were just involved in a move several months ago to terminate the ASRM rocket system because NASA had changed the definition of its mission for the space station, and we made the case it was no longer necessary because the mission was changed.

Well, I think that is the same situation we find ourselves in today. The D–5 was planned during the cold war in order to penetrate hardened targets such as missile silos found only in the Soviet Union. As we know today, the Soviet Union is not the threat it was just several years ago.

Again, the gentleman from Utah [Mr. HANSEN] made the case that instead of facing one monster in the world, we now face hundreds of snakes all over the world. Well, let me make the second point. That with nearly 400 C–4 and 300 D–5 submarine-launched ballistic missiles, and 3,500 nuclear warheads, I would suggest we have enough fire power to kill thousands of snakes, if necessary.

The D–5 was designed to carry a larger warhead than its predecessor, the C–4, was able to support. Again, we have a changing mission. The larger warheads have been limited, and the D–5's today are carrying the same warheads as the C–4.

Finally, the bottom line—it may cost $350 million to retrofit, as the gentleman from South Carolina [Mr. SPRATT] said. It will cost $1.2 billion to finish the project, and $10 billion to 1999. Three hundred fifty million dollars is a very good financial figure.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I must rise in opposition to my distinguished chairman's amendment to terminate the D–5 missile. This is more than just an economic consideration. It is an international arms control strategic decision that we are about to make today.

The START treaty, as supported by the President of the United States, President Clinton, was predicated upon having D–5 missiles. Were the D–5 missile program to stop today, the entire START treaty very likely would have to be renegotiated.

But it is more than just a missile. It is an economic consideration as well, as my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT] has discussed on this floor. It will actually cost us more money to reconfigure the 10 Trident submarines which are currently under construction to carry a C–4 missile or to do something else than it will to save the expected $1.2 billion which is in this current budget.

I ask my colleagues to support the President of the United States. He understands, although we must cut defense dollars, that we must also make sure that we are not ruining our strategic arms agreements, which have been very delicately discussed, negotiated, and agreed to.

There is no question that the START treaty will be in severe jeopardy were this amendment to pass. For this reason, because I believe that the economic realities of the cuts are going to not be realized, I would ask my colleagues to join me in opposing this

amendment. I think it is important that we understand the facts and the strategic implications.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. MACHTLEY. I yield to my distinguished colleague from Washington.

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman on his statement. The arms control implications of this are very serious. We have in essence protected D-5 and Trident in our START I and START II agreements. What we would really do here is undermine the entire negotiations between the United States and the former Soviet Union at a time when this is still under great doubt about just how this is going to come out, because of the disintegration of the Soviet Union.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first let me just respond to my colleagues on this arms control issue. Frankly, Mr. Chairman, I think this is a scare tactic. If my colleagues will recall, historically the Russians tried to get us to stop producing the D-5 a long time ago.

The cold war is over. To talk about fighting nuclear war is madness. It is extraordinary, it is extreme.

As the gentleman from Wisconsin [Mr. KLUG] pointed out, this weapons system was designed to hit hard targets. As the gentlewoman from New York [Ms. VELÁZQUEZ] pointed out, the Soviet Union has exploded on its own.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from California [Mr. DELLUMS] has 3½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 3 minutes remaining. The gentleman from California [Mr. DELLUMS] does have the right to close debate.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let us put this in proper perspective. I appreciate my friend, the gentleman from Wisconsin [Mr. KLUG], and his fine comments. I would point out that the C-4 and D-5 are different missiles, one very accurate, and one not too accurate. The C-4 is not intended to be the permanent missile. It probably does not have quite the firepower that we are referring to.

Let us get this thing in proper perspective if we may. The Chairman of the Joint Chiefs made the following statement. This is a very important man and a very good man. He is not a Republican or a Democrat, as far as any of us know. And this is what he said:

The D-5 missile on Trident submarines will be the backbone—the backbone—of the U.S. strategic deterrent forces under START II. I do not support the proposal of renegotiating the terms of the START II treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. I believe that production of the D-5 should not be prematurely terminated. The vast majority of the Trident investment is behind us, and procuring the remaining missiles for the Atlantic Ocean Trident submarines will ensure a credible deterrent well into the twenty-first century.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, is it not also true that Les Aspin, the Secretary of Defense, strongly opposes this amendment?

Mr. HANSEN. Mr. Chairman, that is absolutely correct. I also have his quote, and I will not bore Members with it. Basically it is the same thing as what the Chairman of the Joint Chiefs said.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, is it also not true that Bill Clinton, the President of the United States, has written the Congress, written every Member up here, urging them not to end the D-5 program?

Mr. HANSEN. Mr. Chairman, reclaiming my time, I would also respond to that that we have a letter here in our package from the President of the United States urging us not to stop the D-5 program. Yes, the gentleman is correct.

Mr. DICKS. Mr. Chairman, does it not make sense in this context then to continue D-5? We are eliminating, as the gentleman mentioned and I mentioned, almost every other strategic nuclear program. So we have heard the plea of we do not need these systems, we do not need to worry about nuclear war fighting. There is one system left that is still unfinished, that is the most survivable part of the triad. Is that not correct?

Mr. HANSEN. Mr. Chairman, I agree with the gentleman. I think the gentleman made the point in his earlier remarks that we have given up on the bombers and our land-based missiles. We have one thing left in the basket, and that is the D-5. We should have the very best, and that is the D-5.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I would like to make the point, to amplify what the gentleman said and to follow up what I said, that the cost of simply sticking the old C-4 in the tubes of the D-5 is substantial, and it really wipes out all the apparent savings that are touted for this solution. Per submarine, the cost is $350 million.

Then this D-5 missile has a flight control, navigation and guidance system that is state of the art. The C-4 has an older system that is much less efficient. You have got to strip it out and substitute that.

□ 1120

Then we have got to go to Kings Bay, GA, which was built to accommodate only the D-5 missile, and make $300 million of military construction improvements. And finally, for this additional cost, we get an older, less reliable, less accurate missile which has a service life remaining of 10 years. We are going to put a 10-year service life missile in a submarine that has a whole life of 20, 30, 40 years. It does not make sense.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired in opposition to the amendment.

The gentleman from Minnesota [Mr. PENNY] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, let me say that survivability is rhetoric of the cold war, and the cold war is over.

I might say, as the gentleman from Wisconsin [Mr. KLUG] pointed out, we have enough missiles to destroy all life on this planet. To go forward is bizarre. We can save billions of dollars.

Mr. PENNY. Mr. Chairman, I rise today to urge Members to vote in favor of the Dellums amendment to terminate the D-5 missile. Americans are clearly demanding that Congress cut spending. We should respond by cutting weapons that are no longer needed.

The Trident II submarines and the Trident I submarines are currently deployed by the Navy, and this D-5 missile is designed to go into the tubes of those submarines. The D-5 missile was planned as a replacement for the C-4, and it is specifically designed to hit the hard targets found only in the Soviet Union.

This amendment reduces the amount provided in the bill for procurement for the D-5 missile. It would save a total of $1.2 billion in fiscal year 1994, over $10 billion in the next several years, another $5 billion will be saved if we do not have to retube the old Trident I submarines.

This amendment does not prevent the Department of Defense from deploying the 18 Trident submarines by the turn of the century. It does not prevent the Department of Defense from deploying the maximum number of nuclear warheads allowed under the START II treaty so long as we get an addendum or an amendment to that treaty speaking to this tubing issue. But even without an agreement with the Russians on this issue, we can reduce the number of D-5 missiles on each of the Trident submarines, and we would end up no worse than parity with the Soviet Union in terms of the number of warheads, 3,000 warheads.

In sum, what this amendment does is end the procurement of D-5 after 1993, and it requires the Department of Defense to maintain our sea-based leg

with a lower cost to American taxpayers. Instead of a total of 628 D–5 missiles, we will still have 295; enough to deploy on the Trident II submarines, as well as to carry out an adequate testing and evaluation program.

I urge support for this amendment, which has been endorsed by the National Taxpayers Union, the Federation of American Scientists and other groups. The choice today is simple. We can vote to save billions of dollars, or we can vote to waste billions of dollars.

American voters want Congress to use some common sense. We cannot cut the deficit unless we cut spending.

Vote for the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, this amendment would terminate production of the D–5—Trident II—missile in fiscal year 1994. Half the $1.128 billion in funds would be used for deficit reduction and half would be transferred to Defense conversion, intended for use with the technology reinvestment package.

Halting this program now will save at least $5 billion in program costs and perhaps as much as $19 billion, if we include the cost of backfitting the first eight Trident submarines with D–5 missiles, which the Navy wants to do. All this money will be borrowed, so we will be paying interest on this money as well. Over the next 30 years, this interest cost would add an extra $50 to $60 billion to the tab. We can't afford this waste.

Last year the Bush administration gave serious consideration to the option of offloading missiles from submarines to meet our lower START II warhead requirements. Secretary Cheney testified before Congress to this. DOD finally made up its mind without taking fiscal considerations into account.

So let us not be stampeded into thinking that this is an unrealistic option and would hurt the START process. It will help save us billions. I urge your support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. DELLUMS] that would terminate production of the Trident II missile.

The world security environment has undergone revolutionary change over the last 5 years. The Soviet Union is no more. The nations of Eastern Europe and the former Soviet Union are undergoing the challenging task of converting from failed state socialism to market economies and democratic political institutions. The United States and our Western Allies are committed to assisting these efforts that will hopefully result in a stable, peaceful world environment.

But we have not reached the point where we can be certain that the world will live happily ever after. Just as no one could have predicted the events of the last few years, no one can say for certain where the world will be by the year 2000. As noted in Secretary Aspin's bottom-up review, "tens of thousands of nuclear weapons continue to be deployed on Russian territory, and on the territory of three other former Soviet Republics." The political future of these Republics, including Russia, and whether they will continue to cooperate with the West, is not cast in stone.

Nuclear proliferation is an increasing threat. North Korea may be closer to developing the capability to produce nuclear weapons, and deliver them against their neighbors, than we have predicted in the past. India and Pakistan have the potential to develop into a dangerous point of nuclear confrontation. Terrorist states such as Iraq, Iran, and Libya also have dangerous potential. The bottom line is that it is far too early to conclude that we can forgo our nuclear deterrent forces entirely.

The fact remains that the United States has removed 80 percent of the START I required reductions in the number of warheads on ballistic missile systems, where as the former Soviet Union has only removed 15 percent of the same type.

The Russians are currently developing, and plan to deploy three new ballistic missiles within the next 10 years: a road mobile, single RV, as well as a silo-based single RV, and a follow-on missile for the Typhoon class ballistic missile submarine. These deployments occur despite its country's severe economic problems.

Russia is still facing controversy in attempting to achieve complete control over all of the 30,000 tactical and strategic nuclear warheads within the former Soviet Union. The Ukrainian and Russian Governments still must ratify their President's recommendations to bring these weapons under Russian control. Under the very best circumstances, it would take longer than 10 years to destroy these levels of stockpiles.

Nonetheless, the changed environment allows us to make dramatic reductions in these forces. Consider the cuts we have already made, or plan to make to comply with START II ceilings. The Peacekeeper, small ICBM and Minuteman II ICBM's are eliminated. All 500 Minuteman III missiles will be downloaded to a single warhead. We are buying only 15 percent of the B–2 bombers originally programmed, the SRAM II Program has been canceled and cruise missile carrying B–52's retired. All but three of the Poseidon submarines have already been scrapped and the remaining ones soon will be. The Trident submarine program has been capped at 18 and the W–88 warhead terminated.

As a result, the Trident submarine force will be even more critical as the lowest cost and the most survivable leg of the strategic deterrent. In addition, the D–5 is the only strategic missile still under production.

The assertion that the Navy already has enough D–5 missiles for deployment is incorrect. The fiscal years 1994 through 1999 production quantities requested by the Department of Defense are needed to support the inventory objective of 428 D–5 missiles.

This inventory is based on the commitment of 10 D–5 capable subs, 24 missiles per sub on patrol, flight test programs based on demonstrated reliability, the START I and START II Agreements and the planned strategic force structure. And as President Clinton has stated:

> Even at the lowest Trident levels that remain under review pursuant to the bottom-up review, additional D–5 missile procurements are required in fiscal years 1994 and 1995.

There are many who are offering statements suggesting we just detube the submarines. Deploying with empty tubes is not the answer in terms of the START Agreements, given the fact that it is the tubes and the launchers that are counted. The President clearly stated the problems when he said:

> A U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

It is no secret that the many Russians still believe that the terms in the START II Treaty are overly favorable to the United States, especially ICBM silo elimination procedures.

Reopening START I would no doubt cause the very unraveling of this long negotiated dismantlement treaty. I do not believe this Congress wants such a responsibility.

The Trident submarine force will constitute half of the U.S. strategic deterrence in the 21st century, and will provide the flexibility and reliability in U.S. strategic forces.

Mr. Chairman, I urge my colleagues not to support the Dellums amendment.

The CHAIRMAN pro tempore. All time has expired for debate on amendment No. 1 printed in part 2 of House Report 103–223, the amendment offered by the gentleman from California [Mr. DELLUMS] relating to the Trident II D–5 missile.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 15, as follows:

[Roll No. 415]

AYES—183

Abercrombie	Collins (MI)	Fingerhut
Allard	Condit	Flake
Andrews (ME)	Coppersmith	Ford (MI)
Applegate	Coyne	Ford (TN)
Ballenger	Crane	Frank (MA)
Barca	Danner	Furse
Barlow	de Lugo (VI)	Gephardt
Barrett (WI)	DeFazio	Gibbons
Becerra	DeLauro	Gilchrest
Beilenson	Dellums	Glickman
Berman	Dooley	Goodlatte
Blackwell	Duncan	Gordon
Bonior	Durbin	Grandy
Boucher	Edwards (CA)	Green
Brown (CA)	English (AZ)	Gutierrez
Brown (OH)	Eshoo	Hall (OH)
Bryant	Evans	Hamburg
Byrne	Everett	Hastings
Cardin	Faleomavaega (AS)	Hilliard
Carr	Farr	Hinchey
Clay	Fields (LA)	Hobson
Clayton	Filner	Hoekstra
Collins (IL)		Holden

Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
McCloskey
McDermott
McHale
McInnis
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Schaefer
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slaughter
Snowe
Stark
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—240

Ackerman
Andrews (NJ)
Andrews (TX)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rowland
Sarpalius
Sawyer
Saxton
Schiff
Schumer
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Visclosky
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—15

Archer
Brown (FL)
Conyers
Dingell
Engel
Foglietta
Hoke
Hyde
Neal (NC)
Price (NC)
Reed
Stokes
Valentine
Vucanovich
Young (AK)

□ 1145

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. KASICH changed his vote from "aye" to "no."

Messrs. ROYCE, SCHAEFER, BLACKWELL, SWIFT, Mrs. UNSOELD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 2 printed in part 2 of House Report 103-223.

AMENDMENT OFFERED BY MR. ABERCROMBIE

Mr. ABERCROMBIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ABERCROMBIE: In section 153(a)(2), strike out "not more than $145,251,000 may be obligated for advance procurement" (page 32, beginning on line 3) and insert in lieu thereof "no amount may be obligated for advance procurement".

At the end of section 153 (page 32, after line 24), insert the following:

(d) MISSILE INDUSTRIAL FACILITIES.—Of the funds appropriated to the Navy for fiscal year 1994, not more than $50,000,000 may be obligated for industrial facilities for production of Trident II (D-5) missiles.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 5 minutes, and a Member opposed, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, having defeated the previous amendment, this Congress has now made the commitment to spend another $1 billion on the D-5 missile in fiscal year 1994. But at the very least we ought to be willing to say that that is the end of it.

The amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE] and cosponsored by myself, would cancel this weapon system beginning in fiscal year 1995. It would slice out the $200 million in development funds for those additional weapons in this year's budget. We at least ought to be able to do that.

□ 1150

We ought to be able to knock out the advanced procurement money which commits us to even more D-5 missiles into the future. The Abercrombie amendment gives us 1 year to kick the cold war addiction. This weapons system is no longer needed. This weapons system is a tremendous expense at a time when the country cannot afford it. This weapons system should be canceled and at the very least we ought to be willing to cancel it starting in fiscal 1995.

Vote for the Abercrombie-Penny amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding me this time.

Ladies and gentlemen, this is another way to kill the D-5. If you voted "no" on the last amendment, you want to vote "no" on this one. I would like to engage in a colloquy with the gentleman from Washington [Mr. DICKS]. Let me first say that we have made a lot of down selections in our strategic assets. The D-5 is the consensus centerpiece of our strategic deterrent. That is a consensus that has been reached on the conservative side, on the liberal side; it is a consensus that exists in the Department of Defense and has been agreed to by the President of the United States. It is the right way to go.

If you voted "no" last time, vote "no" this time.

Let me yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to point out to my colleagues who say, "Why do we need nuclear weapons?" Let me tell you what the systems we have already cancelled are: We have stopped the Peacekeeper, we have stopped the small ICBM, we are building 15 percent of the B-5's that we intended to build; we stopped the SRAM II; we have eliminated the W-88 warhead. This is

the only remaining system we have got. If we kill it, we undermine our entire position in the arms control agreement in START-I and START-II. It is opposed by the President of the United States, Bill Clinton; it is opposed by Les Aspin, former chairman of this committee and now our Secretary of Defense; Colin Powell, our most distinguished military leader and chairman of the Joint Chiefs, they are adamantly opposed to stopping this program because of what it does to us both strategically and also what it does to our arms control regime.

The gentleman from South Carolina [Mr. SPRATT] points out very effectively that we are only halfway through this program. And if we do not go ahead, then we are going to have to go back and put C-4's on submarines that were built for the D-5. This amendment makes no sense. We ought to, as the gentleman pointed out, we ought to stay with our previous position and support the committee position.

Mr. HUNTER. The gentleman is absolutely right. This would destabilize the arms control agreement that we put in place. Beyond that, we have North Korea looming on the horizon with potential hard targets.

Mr. ABERCROMBIE. Mr. Chairman, may I confirm the fact that this side has the right to close? Am I correct in that?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman is correct.

Mr. ABERCROMBIE. Mr. Chairman, with that in mind, I would yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. I thank the genleman for yielding.

Mr. Chairman, I wish to share with my colleagues two facts that I learned when I studied the D-5 missile.

Fact No. 1: We have the ability to bounce to rubble today and tomorrow and for the next 30 years the Soviet Union and its former colonies with the C-4 missiles. The C-4 missile, according to a study conducted by the Department of Defense, concluded that the C-4 missile, which can bounce to rubble already, is good to the year 2016, 2016.

Let me tell you what we can already do with our capability today. Let me tell you what I found out. Today we have a study showing that with 140 equivalent megatons we can kill 158 million citizens of the former Soviet Union, kill 45 percent of the Soviet Union. Colleagues, guess how many equivalent megatons we will have under SALT-II. With 140 equivalent megatons, we can kill half the Soviet Union, then how many do you think we are going to have without the D-5? We are going to have 1,370.

We do not need a missile to do hardened targets. Nothing is hardened in the Soviet Union. The only thing that is hardened is our Federal deficit.

The CHAIRMAN pro tempore. The gentleman from South Carolina has 3 minutes remaining, and the gentleman from Hawaii [Mr. ABERCROMBIE] has 3 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield the remaining 3 minutes of our time to my colleague the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. I thank the gentleman for yielding this time to me.

Mr. Chairman, let me restate and emphasize what my colleague from California [Mr. HUNTER] just said: If you voted against the last amendment, you should vote against this amendment because both kill the D-5 missile before it is even begun to get close to the Navy's requirement. This amendment would kill the D-5 somewhere in the range of 250 to 260 missiles. The Navy needs 428 D-5 missiles just to accommodate, just to outfit the Trident, 10 Trident submarine boats that have been built around this particular missile system, designed, custom-built for the D-5. It will stop the D-5 program, but it will not stop the spending, which is what I have been trying to emphasize out here in the debate today. The savings that are touted here are more illusory than real. Indeed, I do not even think they exist.

It has been claimed we will save $10 billion. The whole up-cost to complete the procurement of the D-5 is just over $4 billion. Furthermore, if we do what Mr. INSLEE said and go to the C-4 as a substitute, the spending starts up. We need $350 million per boat to take the tubes and build the tubes so that they will accommodate the C-4 missile instead of the D-5 missile. That is $1.75 billion for 5 submarine boats. We need $340 million still for spares. If you do not have a production line to support the cost of the spare production, it is going to cost more than that.

We will need $300 million to go to Kings Bay, GA, where the Trident II's are based, and accommodate the facility to handle the C-4's. So we do not save any money. Furthermore, we have bought a missile that has a remaining life of 10 to 15 years, we put it on a submarine which has a hull life of 30 years, specified, with a hull life probably of 40 years. So before the life of the Trident II submarine has exhausted its hull life, this missile will be spent. We will have to replace it, we will have to service it to extend its life. That will cost another $3 billion to $4 billion. There are no savings here. It is clearly a compromise.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding. The gentleman is a real expert in this area.

I just want to say that one of the few things we still do in foreign policy that is bipartisan is arms control and that we have built our arms control regime, which is very complicated, around the D-5 missile. We now have 4 former Soviet states with nuclear systems. We have a very complicated arms control regime that has been transferred successfully, I think, to the Clinton administration.

If you believe in a bipartisan, stable arms control regime, vote for D-5. I thank the gentleman for his expertise.

Mr. SPRATT. The bottom line, Mr. Chairman, is there is no savings represented by this amendment. If you voted against the Dellums amendment, you should also vote against the Abercrombie amendment and you should understand that they will not save anything and they will give us a less effective, less reliable, less efficient missile system in return for the D-5 missile, which is under production now.

□ 1200

Mr. ABERCROMBIE. Mr. Chairman, I yield such time as he might consume to the distinguished committee chairman, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Just briefly, Mr. Chairman, let me point out in response to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], No. 1, the Navy understands and the Navy has reported that the C-4 missile is lasting a lot longer than they thought. If you do not add the guidance system to the C-4 missile, it does save you a significant amount of money. If you buy all the other arguments, the gentleman from South Carolina is correct. I do not buy all the arguments. They do not need a new guidance system on the C-4 and the dollars that we talked about are real savings.

Mr. ABERCROMBIE. Mr. Speaker, 183 people voted for the Dellums amendment the last time, which does not end any systems, which does not inhibit the capacity of the United States to defend itself in one single instance. Anybody who is bringing up on this floor that somehow we are ending our nuclear deterrence is not telling the truth.

The truth is that we are either going to make an effort on deficit spending or we are not going to do it. This is the way to do it.

This is the biggest pork barrel there is. This is missile bulimia. We are vomiting missiles up. We cannot consume all the missiles that are here.

Every single one of these is like a sorcerer coming in, sweeping out of the castle, one after another, never ending.

This is the opportunity for 35 Members, we are looking for 35 Members to look into their conscience and say enough is enough.

The people who want us to keep going with these missiles, the continuation of the building of these missiles, are the hard-line Communists who

want to bring down Yeltsin in Russia, who use our continued missile building in this area, the D-5, as an example of why the United States is getting ready to wipe out Russia.

They are just as cynical as the people who want to go forward here when we have more than enough. This is our opportunity. Thirty-five Members, that is what we are looking for to stand up and take a stand today for fiscal sanity in the defense budget.

We are not moving to the domestic side. This gives us the opportunity to build housing for our military people, to see to it that they get an adequate pay raise, to see that they have the kind of weapons that they need today.

Many of you have taken trips over the break, you know what our military needs. This is low priority with the Navy.

This is the area and this is the time for us to step forward and make our vote.

Thirty-five Democrats and Republicans and Independents here, 35 people to take a stand for fiscal sanity in defense.

The CHAIRMAN pro tempore. Under the rule, all time has expired for consideration of Amendment No. 2 printed in House Report 103-223.

The question is on the amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ABERCROMBIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 10, as follows:

[Roll No. 416]

AYES—188

Abercrombie
Ackerman
Andrews (ME)
Applegate
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Crane
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
English (AZ)
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnston
Kanjorski
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
McCloskey
McDermott
McHale
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Reed
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slattery
Slaughter
Smith (MI)
Snowe
Stark
Strickland
Studds
Stupak
Swett
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—240

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Grams
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hochbrueckner
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rowland
Sarpalius
Saxton
Schaefer
Schiff
Schumer
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Valentine
Visclosky
Volkmer
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—10

Brown (FL)
Conyers
Engel
Hoke
Hyde
Neal (NC)
Rangel
Stokes
Vucanovich
Young (AK)

□ 1221

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Chairman, because I was unfortunately delayed at Bethesda Naval Hospital today, I missed two recorded votes. Had I been present, I would have voted yea on rollcall votes No. 415 and No. 416.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 2 of House Report 103-223.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Amendment offered by Mr. DICKS: Strike out subsection (c) of section 153 (page 32, lines 16 through 24).

Strike out section 154 (page 33, lines 1 through 6) and insert in lieu thereof the following:

SEC. 154. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D-5 missiles, with (2) retaining the Trident I (C-4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. DICKS] will be recognized for 5 minutes, and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume,

and I yield to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Chairman, I rise in support of the Dicks amendment.

Mr. Chairman, in this era of massive Federal deficits, we must carefully scrutinize how we spend and save scarce defense resources. It is imperative that the money we do spend is spent wisely. In view to terminate Trident II—or the D–5—missile premature.

The Pentagon is continuing its investigation into the appropriate size and composition of our strategic forces for the post-cold-war world, as part of its comprehensive bottom-up review of defense programs, military strategy, and force structure. While we know some of the results of this review, DOD has yet to come out with its analysis on the D–5.

A number of objective studies—including a recent GAO report which states, "the sea leg—the Trident II—emerges as the most cost effective, taking into account all the measures of effectiveness * * *"—clearly suggest that we must carefully consider our actions.

Canceling production of this missile today will preempt the decisions to be made in the very near future concerning its role in the future security of our Nation.

While our DOD military and civilian leadership continue to debate this extremely complex and multi-faceted issue, we must restrain ourselves from taking irreversible and potentially irresponsible actions limiting our strategic force structure alternatives.

Mr. Chairman, this amendment is clearly such an action and should be rejected.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the chairman of the full committee.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as I understand it, this is the Dicks amendment that would require a study of the D–5 by April 1.

Mr. DICKS. The gentleman is correct.

Mr. DELLUMS. Mr. Chairman, based upon that and the reality that we do need this information, based on this information, I think this body can make a rational and intelligent decision with respect to the future of the D–5. In that regard, I am prepared on this side of the aisle to accept the amendment offered by the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I deeply appreciate the kindness and courtesy of the chairman of the committee.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, we have considered that amendment on our side, and we have no objection to it. We are in favor of it, and we would vote for its adoption.

Mr. DICKS. Mr. Chairman, I rise to offer an amendment to modify language included in H.R. 2401 regarding the Trident II Missile Program.

The bill before the House provides requested funding for this program, but restricts the obligation of these funds that undercut the effective execution of the program and could increase the burden on the taxpayers by millions of dollars. My amendment prevents a D–5 production shutdown while the Defense Department prepares a report on the long-range future of the program, and it deletes the legislation that prohibits Trident I submarines from ever being modernized with the D–5 missile.

Ballistic missile submarines have always provided our most survivable element of the nuclear triad. Under the START II Treaty, more than half of the Nation's warheads will be deployed on submarine-launched ballistic missiles. This amendment recognizes the reliance we will place on the Trident Program to maintain the highest degree of confidence in the future credibility of our strategic deterrent.

I believe that the committee did not fully appreciate the implications of the language it included restricting obligation of these funds, until a report is provided by the Secretary of Defense on how the Department intends to structure the Trident missile forces under the START II ceilings.

I wholeheartedly agree that such a study needs to be conducted, and my amendment retains the requirement that it be undertaken. In fact the Department is already in the process of making this evaluation. Secretary of Defense Aspin noted in his presentation last week on the bottom review that strategic forces will now become an area of particular focus.

But all viable options under consideration by the Department will require procurement of the missiles authorized in this bill. President Clinton stated this clearly in an August 2 letter, "even at the lowest Trident levels that remain under review pursuant to the bottom up review, additional D–5 missile procurements are required in fiscal year 1994 and 1995." This is not a case of waiting to see if these funds are going to be wasted. President Clinton, Secretary Aspin and Joint Chiefs of Staff Chairman Colin Powell have all expressed their unreserved judgment that we need to go forward with the program at least to the point that the funds in this bill provide.

Waiting over 4 months to obligate any of the fiscal year 1994 Trident missile procurement funds will clearly result in a production gap. Secretary of Navy John Dalton stated in a letter to Chairman DELLUMS:

> Since production of the 24 D–5 missiles requested in fiscal year 1994 is required to support the ten new construction D–5 configured SSBN's under any Start II Treaty scenarios, delayed obligation authority needlessly increases program cost by breaking numerous prime and subvendor production lines, which would necessitate costly requalification efforts. Contractors would be forced to lay off production workers, some sub-tier suppliers would likely drop out of the program and the technical risk involved in producing reliable D–5 missiles would be greatly increased.

This is a cost saving amendment.

My amendment also deletes the language that prohibits retrofitting Trident I submarines to carry D–5 missiles. My amendment recommends that the Secretary of Defense conduct a study comparing the options of D–5 missile backfit with keeping the C–4 missile on the Trident I submarine. The study will also consider cost effectiveness, force structure requirements, and future strategic flexibility.

Secretary Dalton states:

> As to the issue of backfitting the eight Pacific based Trident SSBN's to D–5 capability, the prohibition proposed in the HASC Report restricts the Department before it explores options to determine the most cost effective SLBM force structure in the broad context of all U.S. strategic forces. This provision amounts to a unilateral reduction in U.S. capability, outside the context of arms control initiatives, prior to the coordinated Department wide nuclear force posture review which is anticipated to begin in late 1993.

A decision on this issue does not have to be made until fiscal year 1996. Initial analysis indicates that it may well be less costly over the life of the program to retrofit Trident I equipped submarines rather than try to extend the service life of their missiles. My amendment gives the Secretary the flexibility he needs to conduct his thorough review for the future of the U.S. strategic forces, including the future of the Trident SSBN, and prevents any option from being precluded in the future Trident submarine force.

I urge your support of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

BURDENSHARING

The CHAIRMAN pro tempore. It is now in order to debate the subject matter of burdensharing.

The gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 10 minutes and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is long past time for this body to place the burdensharing debate where it belongs—solidly on the grounds of securing our own national interests. Every Member of this body should certainly understand that we do not have troops in Japan, Korea, or Europe primarily to defend those countries. We have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interests. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities to the extent that their interests are also being secured.

The Lloyd/Sisisky amendment recognizes the importance of forward military presence to securing U.S. national interests and would provide adequate support for maintaining that presence. It also recognizes that such forward presence costs us far less in the long

run—it helps us pursue our own national security interests on a collective basis rather than pursuing them on a costly unilateral basis.

Let's take a look at the progress we are making as a result of the mandates passed in last year's authorization bill. First, as a result of the amendment offered last year by Mrs. SCHROEDER, we are withdrawing our troops from Europe so as to have no more than 100,000 there by 1996. Also by 1996 Mr. Gephardt's amendment from last year is reducing our total overseas forces to 60 percent of the 1992 level. The amendments of Mr. FRANK and Mr. KASICH resulted in the reduction of $500 million in U.S. overseas military spending. The amendment we are offering here would provide a capstone to these congressional actions with the net result of cutting $3.3 billion from last year's figures.

Mr. Chairman, our allies have also taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion per year against United States stationing costs and has agreed to pay virtually all such costs by 1995 except those, such as salaries, that would not be appropriate. South Korea currently contributes roughly $2 billion per year against United States stationing costs, and has agreed to pay substantially more by 1995. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country to the reconstruction, democratization and economic reform of Eastern Europe.

Mr. Chairman, the amendment I am co-sponsoring today takes into account this significant progress we have made in reducing the U.S. costs of maintaining the forward military presence we need to secure our own national interests. The Lloyd/Sisisky amendment takes the careful and prudent approach to sound and workable burdensharing.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as the ranking member on the NATO panel of the Committee on Armed Services, I want to applaud our chairperson for the job she has done on the issue of burdensharing.

As a Member who has supported burden sharing initiatives in the past and in the last session by our colleague, the gentleman from Ohio [Mr. KASICH], and our colleague, the gentleman from Missouri [Mr. GEPHARDT], I am well aware of the need to have our allies share more of the responsibility financially for our commitment both in Europe and around the world. However, I think some of the amendments that are going to be offered need to be looked at very closely by our colleagues.

Those of us on the Republican side could play a partisan game here. We could take some of the amendments that are going to be offered, namely, the amendment to be offered by the gentleman from Texas [Mr. BRYANT] and the amendment that will be offered by the gentleman from Massachusetts [Mr. FRANK], and we could support them and we could force this administration into what they describe as an impossible situation. But to do that, we think, would be not just unrealistic, but we think it would not be responsible, and, therefore, many of us will oppose the amendments, not because we want to embarrass the President; we want to work with him on foreign policy.

I would submit, Mr. Chairman, a letter that was sent to our chairman of the full committee, the gentleman from California [Mr. DELLUMS] from both Les Aspin, our Secretary of Defense, and Warren Christopher, our Secretary of State. In the letter they state in no uncertain terms that these amendments would jeopardize our vital national interests.

□ 1230

We will get into these in the amendments. But specifically they say that the proposed amendments run contrary to U.S. interests and would protend disastrous consequences, certainly a diminution of American prestige and leadership.

Mr. Chairman, this is not a Republican saying this. This is the Clinton administration. But we are going to do the responsible thing over here. We are going to work to oppose these amendments and support our President, and work to support our Secretary of State and Secretary of Defense, working to provide a responsible foreign policy.

Mr. Chairman, in closing, I would suggest those who want to cut $1 billion out of our defense budget should be offering an amendment to bring our troops home from Somalia. We could save $1.5 billion, because that is what it is costing us. But I do not see any of my colleagues who voted to keep our troops in Somalia for unlimited time periods standing up saying to bring our troops home now, let us save the $1.5 billion we are spending on the Somalia operation.

Mr. Chairman, during this debate I think we have to look closely at these amendments. I am going to be supporting the amendment offered by my colleague and the chairperson of our task forces, and I applaud her for her efforts, along with the gentleman from Virginia [Mr. SISISKY]. I would ask our colleagues to work with the gentlewoman from Tennessee [Mrs. LLOYD] in a joint effort to bring about real burden sharing in this bill.

Mr. Chairman, for the record I include the letter from the Secretary of State and Secretary of Defense referred to earlier.

SEPTEMBER 7, 1993.

Hon. NORMAN SISISKY,
Chairman, Subcommittee on Oversight and Investigations, House Armed Services Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally reduce force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies

in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WELDON] for his remarks.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, let me say I think burden sharing is one of the most important things we can do. I have never enjoyed really carrying a lot of the water on this, because anywhere you go, people want to treat you like you are the skunk at the garden party. But had some of us not been out there talking about this for a long time, believe me, we would not have made the progress we made in Japan and other places. Because, while it is hard to close bases at home because of Congress, it is very hard to close bases overseas because of the State Department. They have always got a treaty somewhere, and it would not be nice, and you should not do this. They are a better defender of overseas bases and them not having to pay than we are of our own bases in our own districts.

So I am going to try and say what this Congress said in 1991, and this Congress said it by a vote of 412 to 14, and that was when we look at our bases, we ought to look at all our bases in the base closure system, foreign and domestic.

Mr. Chairman, I think that is only fair. Because while they can close them without us, they cannot close them without the State Department, and they protect them.

Mr. Chairman, I just got a letter from one of our European allies, and I will not mention who, but saying how terribly unfair it is that we are thinking about closing the Bermuda base, because that runs their international airport which sustains tourism.

Mr. Chairman, do our constituents want us to know that in the Defense Department we are keeping open foreign airports that sustain tourism? There was not one word of national defense. They cited that the State Department said we should not do this because of treaties signed in 1941 and 1948.

Mr. Chairman, if we are going to allow that to continue, then fine. But that is what we are going to say today, that we ought to treat all the bases fairly, as this Congress said originally and then the administration refused to do. But the time has come. Times have changed, and I hope we can make some progress on that.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished ranking member and leader in the House on defense issues.

Mr. SPENCE. Mr. Chairman, I rise today to express my views on the four so-called burdensharing amendments to H.R. 2401 made in order by the rule.

I am strongly opposed to the Bryant amendment, which requires U.S. allies to pay 100 percent of our overseas costs or else all U.S. troops must be withdrawn. This amendment fails to recognize that the United States maintains forward deployed forces in order to promote democracy, enhance stability, and deter would-be aggressors in regions where the United States has critical economic, political, and security interests. Therefore, I strongly urge my colleagues to vote "no" on the Bryant amendment.

I am also strongly opposed to the Frank amendment, which would reduce DOD fiscal year 1994 funds for military activities in Europe by $1 billion. Deep cuts in the budget for overseas defense activities, as required by the Frank amendment, would result in a considerable loss in the readiness of U.S. forces stationed in Europe and/or deeper reductions in the number of U.S. forces stationed there. As such, the practical effect of this amendment could be to force a return to the "hollow forces" of the 1970's in a region where the United States maintains critical economic, political, and security interests.

I should remind my colleagues that U.S. forces based in Europe are responsible for promoting and defending America's interests across some 82 nations, in an area of responsibility that encompasses not just Europe but also parts of the Near East, North Africa, and sub-Saharan Africa. In the past year alone, these forces have been called upon to perform a wide variety of challenging missions—for example, emergency evacuations of U.S. citizens, humanitarian relief, monitoring and enforcing U.N. resolutions, and providing surveillance of suspected drug traffickers.

My colleagues also should be aware that defense overseas funding has already been cut by approximately 30 percent since fiscal year 1992. It may surprise some of my colleagues to know that, contrary to the grossly inaccurate conventional wisdom, less than 10 percent of the annual U.S. defense budget is actually allocated for overseas defense activities of U.S. troops. In addition, the basing infrastructure in Europe has already been significantly reduced. To date, the United States has announced the closure or realignment of over 50 percent of the installations we occupied at the start of the drawdown in January 1990.

It is vital that the United States sustain a credible force presence in Europe. As Gen. John Shalikashvili, our next JCS Chairman, has observed:

Our military contribution [to NATO] is significant compared to those of other member nations; so is our influence. Nothing can be more favorable for U.S. interests in Europe than to retain that degree of influence.

Yet the approach recommended by Mr. Frank, if adopted, could result in a dramatic decline in America's ability to influence events in Europe and throughout parts of Africa and Asia. Furthermore, it could result in a regional military force that is increasingly "hollow" and unable to perform the missions it will inevitably be called upon to conduct. For these reasons, Mr. Chairman, I strongly urge my colleagues to vote "no" on the Frank amendment.

Likewise, I oppose the Schroeder amendment, which would require the 1995 Defense Base Realignment and Closure Commission to include foreign bases along with domestic bases in its closure recommendations and require that at least 25 percent of the bases recommended for closure be overseas facilities.

If enacted, the Schroeder amendment would slow the process of closing or realigning overseas military bases considerably. The United States is reducing overseas bases far more rapidly than here at home. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840. In light of President Clinton's stated intention to draw down to 100,000 troops in Europe by September 1996, additional overseas base closure announcements will be forthcoming. The DOD plan is to reduce the overseas base structure by approximately 40 percent from cold war levels, consistent with planned reductions in personnel stationed overseas.

In addition, the Schroeder amendment would greatly complicate U.S. foreign policy by involving civilian base closure commissioners in complex treaty and status-of-forces agreement negotiations with foreign nations regarding the residual value of base properties, and so forth. Such an approach is both undesirable, unrealistic, and untenable. Therefore, I urge my colleagues to oppose the amendment offered by my colleague, Mrs. SCHROEDER.

On the other hand, Mr. Chairman, I support the Lloyd-Sisisky amendment, which takes into account the progress in burdensharing negotiations with our allies that has occurred over the past several years. Many of these developments were noted in a May 1993 Department of Defense report to Congress entitled, "Allied Contributions to the Common Defense."

Let me briefly remind my colleagues of some of these positive developments. First, Japan currently funds virtually all DOD in-country construction costs and provides, at no charge, land and facilities used by United States forces. These contributions represent roughly $3 billion a year in direct outlays, forgone receipts, and opportunity costs. In addition, under the cost-sharing arrangement concluded in 1991, Japan is assuming all labor and utilities costs such that, by 1995, Japan will bear virtually all costs of United States forces stationed on its soil.

Second, the Republic of Korea provides land and facilities for United States use; logistics support including ammunition storage and equipment maintenance; and manpower augmentees to United States Army units. These contributions represent roughly $2 billion a year. In addition, Korea has agreed to assume by 1995 a cost-sharing contribution equal to roughly one-third of won-based stationing costs—for example, labor, construction, and operations and maintenance. Korea is also assuming the lead role in our defense alliance. For example, on December 1, 1992, a Korean general assumed command over combined United States and South Korean ground forces.

Third, our allies provide significant levels of economic assistance to developing nations worldwide, in addition to contributing aid to the nations of Eastern Europe, and to the newly independent states of the former Soviet Union. This percentage is likely to increase as the Congress requires further reductions in U.S. foreign assistance programs.

Fourth, a year ago, NATO agreed—in response to a U.S. request—to an important change in the Infrastructure Program: extending eligibility for common funding to operations and maintenance costs, specifically those O&M costs bore by the United States to operate reinforcement facilities. The United States annually pays about $275 million in such costs.

This is not to suggest that we should end our efforts to achieve more equitable burdensharing arrangements with our allies. Indeed, the U.S. Government is presently exploring with our allies a variety of ways to reduce our stationing costs, such as seeking additional in-kind support, reducing local national employment costs, waiving or reducing fees and taxes, and increasing cooperative programs.

It does suggest, however, that in designing burdensharing strategies for NATO and our Pacific allies, we should eschew a one-formula-fits-all approach to the issue. Instead, it is critical to tailor our objectives to strategic and political characteristics of each alliance, as well as to the military, political, and economic circumstances of each ally.

Of the four burdensharing amendments before us today, only the Lloyd-Sisisky amendment takes such developments into account.

Finally, Mr. Chairman, my colleagues should be aware that the administration strongly opposes the Bryant, Schroeder and Frank amendments. In a September 7, 1993, letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, they state:

[These amendments] would jeopardize our country's ability to sustain its strategic interests abroad. If enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there . . . These proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

For these reasons, Mr. Chairman, I strongly urge my colleagues to oppose the Bryant, Frank, and Schroeder amendments, and to support the Lloyd-Sisisky amendment.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally * * * force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

Mrs. LLOYD. Mr. Chairman, I do want to thank my colleagues on the other side of the aisle for their tremendous bipartisan support on this amendment. Certainly I want to pay tribute to the gentleman from South Carolina [Mr. SPENCE] for his outstanding leadership on this NATO panel as well.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I would respond to the gentleman from South Carolina [Mr. SPENCE] by saying if we are going to start talking about protecting our many varied interests, how about protecting the interests of the people in the United States with a decent health care plan? How about protecting them from crime, and letting them have a decent education system?

Have you looked at what they have in Europe today? We in America today have a homicide rate 10 times higher than they do in Europe. We have a rate of rape seven times higher than Europe. We have four times more robberies than they do in Europe at the present time.

Mr. Chairman, I submit to the gentleman from South Carolina [Mr.

SPENCE] and the other advocates on this side of the status quo that it is about time we stopped subsidizing the Europeans and Japanese and protecting them, and took some of that money and started protecting the American people.

I would like to see our people have a health care plan. I would like to see our people have freedom from fear on the streets. I would like to see our young people educated to the extent they educate them in Europe and Japan. We cannot do it when we spend $150 billion a year subsidizing the defense of the Europeans and the Japanese and others.

Mr. Chairman, these are commonsense amendments here today that call upon us to make a simple decision: Are we going to continue borrowing billions of dollars and giving it away to the Europeans and the Japanese, who, after all, are well able to support themselves, or are we going to take that money and begin to balance our own budget and deal with our problems here in the United States?

Mr. Chairman, my amendment simply says that by the year 2000 either they are going to pay the full cost of our defense of their part of the world, or we are going to be pulling out. Surely, my goodness, 48 years after World War II, we can surely make that decision today, a decision that would simply say that by the year 2000 you Europeans and you Japanese and others, by golly, it is time for you to pay for your own defense. We need that money here in the United States to pay for the defense of the American people.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me. At the heart of this debate is the issue of defining and maintaining our country's ability to sustain its strategic interests abroad.

It should be clear to each and every Member that our allied security arrangements in Europe, Japan, and in Korea serve as the underpinning of our larger vital interests in the world. Those vital interests cannot be protected without a substantial U.S. forward-deployed presence.

That presence, and the associated leadership and prestige it brings, is at risk if the House were to take action to force untenable reductions in our forces in Europe and elsewhere in the world. As Secretary Christopher and Secretary Aspin spelled out yesterday in a letter to the Congress—a substantial U.S. forward-deployed presence abroad contributes immeasurably to world peace; to the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia, and the newly Independent States of the former Soviet Union.

This is not to say that the United States should not continue to vigorously pursue arrangements with our allies that seek to be more beneficial to the United States. Indeed the American people deserve no less. But we must remind the American people that cutting U.S. forces abroad too far and too fast undercuts U.S. interests.

Some would have us believe that no U.S. forces abroad have been withdrawn. To the contrary, since 1986 the number of U.S. personnel permanently stationed overseas has been reduced by almost 200,000. In addition, the total number of U.S. military facilities overseas has been reduced by about 50 percent since 1990 and the United States is cutting bases overseas more quickly than domestic bases.

In this time of rapid change and uncertainty, it is essential that the United States demonstrate continuity of resolve and commitment in upholding its end of the transatlantic relationship. To that end, the Congress should work to maintain and enhance NATO's position as the principal guarantor of transatlantic security interests and as a viable political-military influence in Europe.

Accordingly, I urge my colleagues to vote against the Bryant, Schroeder, and Frank amendment and for the Lloyd/Sisisky amendment.

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Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for the evenhanded way in which she is allocating the time. I certainly plan to vote for the amendment that she and the gentleman from Virginia have put forward, but I find no conflict between that and the amendments of my colleagues.

We are at a critical juncture. The question is, will the American economy get the benefit of the collapse of the Soviet empire? The United States has, since early in the 1940's, been a major source of manpower and money to save much of the rest of the world from threats to its freedom.

We have had a great deal of success. Yes, there continue to be in the world people who mean us no good. There are people who run countries and who, in the rational scheme of things, would not be allowed to drive cars. But there is a qualitative difference between the Nazis and the Soviet threat to our very existence as a society and the kind of problems we face today. And it is a difference which allows us to make a substantial reduction in the amount that we spend, particularly in a force permanently stationed in one of the richest areas of the globe, Western Europe.

Our Western European allies now confront a zero threat. We have been told, in the absence of Communism, leave the troops in case trouble should break out, for instance, in Yugoslavia. And when trouble broke out in Yugoslavia, those European allies, who are the beneficiaries of the billions, hundreds of billions we have spent, said "Don't do anything."

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that I agree with every word the gentleman has just uttered. The question here is whether Uncle Sam is going to be Uncle Sam or Uncle Sucker. It is time we stopped playing the sucker.

Mr. FRANK of Massachusetts. It is clear that the most widely read book in Western Europe is Tom Sawyer. Not only have we been painting their fences, we pay for the privilege of doing it. We are not talking about diminishing one iota our ability to defend ourselves or our ability to respond to those in need. But the permanent stationing of 100,000 or more American troops does noting but to stimulate the European economy at great cost to our own.

The CHAIRMAN pro tempore (Mr. CHAPMAN). The gentleman from Pennsylvania [Mr. WELDON] has 4 minutes remaining.

Mr. WELDON. Mr. Chairman, I yield myself 15 seconds.

I just wish this debate were on saving the taxpayers over $1 billion by bringing our troops home from Somalia. The distinguished gentleman from West Virginia in the other body is trying to do this right now. That is the amendment we should be voting on here today, because we would support it on this side.

Mr. Chairman, I yield 1 minute and 45 seconds to my distinguished colleague, the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Burdensharing, that is getting our allies to pay an increased share of the amounts necessary to provide for our national security as well as theirs, is something that I believe we can all agree on.

Some of the amendments that we will discuss later today to accomplish this goal, in my opinion, are well-thought-out and I intend to support them. Others are, in my opinion, overreactions and, in my opinion, ill-advised.

The practical effect of some of the actions that some would take today would be to simply withdraw our forces by the year 2000 from our forward deployed positions.

I would just ask my friends on the other side of the aisle to remember just a few short years ago, when we needed to get into the deserts of Saudi Arabia in a hurry. I would make the point that it would have been well nigh impossible for us to do the same kind of deployment that we did during that action, if we had not had our forward-deployed force.

In addition, I would point out that U.S. power projection, our global base structure, our lift and logistics capabilities, our maritime forces all depend on some degree of sustained, reasonable forward deployment. It is not that we like to have people away from home. It is not that there is some magic reason that is subject to some discussion as to why we ought to be there. But withdrawing or sharply reducing our forces in Europe would be the practical effect of some of the burden sharing amendments today.

I urge my colleagues to do the responsible thing and look at each of these amendments as they come up with an eye toward being sure that we have the type of forward deployment that is essential to our national security.

Mrs. LLOYD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], a hard-working distinguished member of the Committee on Armed Services.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment by my distinguished colleague from Colorado.

This Congress established a base-closing process that was meant to be effective and fair. If bases in the United States were being closed while bases overseas were left untouched, I would be the first to say the process was unfair.

But such inequity is not the case, Mr. Chairman. Our bases overseas are being closed. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840.

President Clinton has stated his intention to drawdown to 100,000 troops in Europe by September of 1996. That means additional overseas base closure announcements will be forthcoming.

The Defense Department plan is to reduce the overseas base structure by almost 40 percent from cold war levels.

Finally, Mr. Chairman, passage of this amendment would put our base closure commissioners square in the middle of complex treaty and status-of-forces agreement negotiations with foreign nations.

I urge my colleagues to oppose this amendment.

Mr. WELDON. Mr. Chairman, I yield the balance of our time to our distinguished leader on the committee, the ranking Republican of the Subcommittee on Military Installation and Facilities, the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] is recognized for 1 minute.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me, and I am sure the chairman will be glad to know that I just became chairman.

Let me just say to my friend that the idea of burdensharing is an important idea, and it is important to prod our allies and to try to get them to pick up some of this massive cost of keeping the world free. They are reluctant, and it does take pressure by Congress.

I want to address myself to the Schroeder amendment that will be coming up that would place the closure of foreign bases under the purview of the domestic Base Closing Commission and just tell colleagues that with respect to closing foreign bases, things are working.

We are closing foreign bases. We have closed now some 840 worldwide; since 1990, some 773 in Europe.

While some Members will say some of those were simply radar sites and small unit bases, that is accompanied by a drawdown in personnel of about 150,000 personnel since 1990. So if we look at this chart, we have gone from 304,000 people in Europe, fiscal year 1990, to about 164,000 today. Base closing in Europe is working.

I think if we put base closing under the Commission, we are going to slow it down. They are already stretched logistically. If we throw it in the pot with all the domestic bases, we are going to have a slower drawdown in Europe than we would have otherwise.

Mr. SPENCE. Mr. Chairman, I rise today to express my views on the four so-called burdensharing amendments to H.R. 2401 made in order by the rule.

I am strongly opposed to the Bryant amendment which requires U.S. allies to pay 100 percent of our overseas costs or else all U.S. troops must be withdrawn. This amendment fails to recognize that the United States maintains forward deployed forces in order to promote democracy, enhance stability and deter would be aggressors in regions where the United States has critical economic, political and security interests. Therefore, I strongly urge my colleagues to vote "No" on the Bryant amendment.

I am also strongly opposed to the Frank amendment which would reduce DOD fiscal year 1994 funds for military activities in Europe by $1 billion. Deep cuts in the budget for overseas Defense activities, as required by the Frank amendment, would result in a considerable loss in the readiness of U.S. Forces stationed in Europe and/or deeper reductions in the number of U.S. Forces stationed there. As such, the practical effect of this amendment could be to force a return to the hollow forces of the 1970's in a region where the United States maintains critical economic, political, and security interests.

I should remind my colleagues that United States Forces based in Europe are responsible for promoting and defending America's interests across some 82 nations, in an area of responsibility that encompasses not just Europe, but also parts of the Near East, North Africa, and sub-Saharan Africa. In the past year alone, these forces have been called upon to perform a wide variety of challenging missions—for example, emergency evacuations of U.S. citizens, humanitarian relief, monitoring and enforcing U.N. resolutions, and providing surveillance of suspected drug traffickers.

My colleagues should also be aware that Defense overseas funding has already been cut by approximately 30 percent since fiscal year 1992. It may surprise some of my colleagues to know that contrary to the grossly inaccurate conventional wisdom, less than 10 percent of the annual U.S. Defense budget is actually allocated for overseas defense activities of U.S. troops. In addition, the basing infrastructure in Europe has already been significantly reduced. To date, the United States has announced the closure or realignment of over 50 percent of the installations we occupied at the start of the drawdown in January 1990.

It is vital that the United States sustain a credible force presence in Europe. As Gen. John Shalikashvili, our next JCS Chairman, has observed:

> Our military contribution [to NATO] is significant compared to those of other member nations; so is our influence. Nothing can be more favorable for U.S. interests in Europe than to retain that degree of influence.

Yet the approach recommended by Mr. FRANK, if adopted, could result in a dramatic decline in America's ability to influence events in Europe and throughout parts of Africa and Asia. Furthermore, it could result in a regional military force that is increasingly hollow and unable to perform the missions it will inevitably be called upon to conduct. For these reasons, Mr. Chairman, I strongly urge my colleagues to vote "No" on the Frank amendment.

Likewise, I oppose the Schroeder amendment which would require the 1995 Defense Base Realignment and Closure Commission to include foreign bases along with domestic bases in its closure recommendations and require that at least 25 percent of the bases recommended for closure be overseas facilities.

If enacted, the Schroeder amendment would slow the process of closing or realigning overseas military bases considerably. The United States is reducing overseas bases far more rapidly than here at home. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840. In light of President Clinton's stated intention to drawdown to 100,000 troops in Europe by September 1996, additional overseas base closure announcements will be forthcoming. The DOD plan is to reduce the overseas base structure by approximately 40 percent from cold war levels, consistent with planned reductions in personnel stationed overseas.

In addition, the Schroeder amendment would greatly complicate U.S. foreign policy by involving civilian base closure commissioners

in complex treaty and status-of-forces agreement negotiations with foreign nations regarding the residual value of base properties, etc. Such an approach is both undesirable, unrealistic, and untenable. Therefore, I urge my colleagues to oppose the amendment offered by my colleague, Mrs. SCHROEDER.

On the other hand, Mr. Chairman, I support the Lloyd-Sisisky amendment which takes into account the progress in burdensharing negotiations with our allies that has occurred over the past several years. Many of these developments were noted in a May 1993, Department of Defense report to Congress entitled, "Allied Contributions to the Common Defense."

Let me briefly remind my colleagues of some of these positive developments. First, Japan currently funds virtually all DOD in-country construction costs and provides, at no charge, land and facilities used by United States Forces. These contributions represent roughly $3 billion a year in direct outlays, foregone receipts, and opportunity costs. In addition, under the cost-sharing arrangement concluded in 1991, Japan is assuming all labor and utilities costs such that, by 1995, Japan will bear virtually all costs of United States Forces stationed on its soil.

Second, the Republic of Korea provides land and facilities for United States use; logistics support including ammunition storage and equipment maintenance; and manpower augmentees to United States Army units. These contributions represent roughly $2 billion a year. In addition, Korea has agreed to assume by 1995 a cost-sharing contribution equal to roughly one-third of won-based stationing costs, e.g., labor, construction, and operations and maintenance. Korea is also assuming the lead role in our defense alliance. For example, on December 1, 1992, a Korean general assumed command over combined United States and South Korean ground forces.

Third, our allies provide significant levels of economic assistance to developing nations worldwide, in addition to contributing aid to the nations of Eastern Europe, and to the newly independent States of the former Soviet Union. This percentage is likely to increase as the Congress requires further reductions in U.S. foreign assistance programs.

Fourth, a year ago, NATO agreed—in response to a U.S. request—to an important change in the Infrastructure Program: Extending eligibility for common funding to operations and maintenance costs, specifically, those O&M costs borne by the United States to operate reinforcement facilities. The United States annually pays about $275 million in such costs.

This is not to suggest that we should end our efforts to achieve more equitable burdensharing arrangements with our allies. Indeed, the U.S. Government is presently exploring with our allies a variety of ways to reduce our stationing costs, such as seeking additional in-kind support, reducing local national employment costs, waiving or reducing fees and taxes, and increasing cooperative programs.

It does suggest, however, that in designing burdensharing strategies for NATO and our Pacific allies, we should eschew a one-for-mula-fits-all approach to the issue. Instead, it is critical to tailor our objectives to strategic and political characteristics of each alliance, as well as to the military, political, and economic circumstances of each ally.

Of the four burdensharing amendments before us today, only the Lloyd-Sisisky amendment takes such developments into account.

Finally, Mr. Chairman, my colleagues should be aware that the administration strongly opposes the Bryant, Schroeder and Frank amendments. In a September 7, 1993, letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, they state:

* * * [these amendments] would jeopardize our country's ability to sustain its strategic interests abroad * * * If enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there. * * * These proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy."

For these reasons, Mr. Chairman, I strongly urge my colleagues to oppose the Bryant, Frank, and Schroeder amendments, and to support the Lloyd-Sisisky amendment.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing which jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally * * * structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the cold, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

The CHAIRMAN pro tempore. All time for general debate having now expired, it is now in order to consider amendment No. 1 printed in part 3 of House Report 103–223.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRYANT: At the end of title X, insert the following section:

SEC. 1043. REQUIREMENT TO USE SAVINGS FROM BURDENSHARING CONTRIBUTIONS FOR DEFICIT REDUCTION.

(a) BURDENSHARING AGREEMENTS.—(1) As soon as practicable after the date of the enactment of this Act, the President should enter into negotiations for purposes of revising the host-nation agreement with each foreign country described in paragraph (2). A revised host-nation agreement is an agreement under which the foreign country agrees to assume, beginning on or before September 30, 1996, all costs incurred by the United States related to the presence of all United States military personnel stationed in the country. The agreement may provide for the phased-in assumption of such costs over the three-year period beginning on October 1, 1993, and ending on September 30, 1996.

(2) Paragraph (1) applies with respect to—

(A) each country of the North Atlantic Treaty Organization (other than the United States);

(B) Japan; and

(C) Korea.

(b) TROOP WITHDRAWAL.—If a revised host-nation agreement described in subsection (a) is not entered into by September 30, 1996, in a country to which subsection (a) applies, the President shall order the withdrawal of all United States Armed Forces assigned to permanent duty ashore in that country. The President may provide for the phased-in withdrawal of such forces over the four-year period beginning on October 1, 1996, and ending on September 30, 2000.

(c) USE OF SAVINGS REALIZED.—The savings realized each fiscal year as a result of the assumption of an increased share of United States costs by the foreign countries to which subsection (a) applies shall be used for deficit reduction.

(d) REPORT.—The Secretary of Defense shall include in the annual report required by section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2546) the following information:

(1) For each foreign country to which subsection (a) applies, the costs to the United States of maintaining and operating each United States military installation in that country during the preceding fiscal year.

(2) For each such military installation, the savings realized during the preceding fiscal year (if any) as a result of the assumption of an increased share of United States costs by the host nation.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. WELDON. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

□ 1250

Mr. BRYANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment which has been reported by the Committee on Rules, which would provide that a host nation agreement be negotiated by the President, under which foreign countries which we are now subsidizing will agree to assume, beginning on or before September 30, 1996, 3 years from now, all costs, 100 percent of the costs, incurred by the United States related to the presence of our military personnel stationed in that country. It does not say that we withdraw, it says that our allies who wish to have us present in their territory will pay 100 percent of the cost of that.

If they do not pay 100 percent of the cost of it, then a phased-in withdrawal will occur, resulting in the removal of our troops from that country by September 30 of the year 2000.

Mr. Chairman, I submit that it has been almost 50 years since the end of World War II. Those who are seeking in Europe today to protect the Europeans from, since the cold war is over, a threat that is not entirely clear or definable, are no longer those who fought in World War II, nor are they even the sons of those who fought in World War II, they are the grandsons and granddaughters, and in some cases the great-grandsons and great-granddaughters of those who fought in that conflict.

I think we have to face the question ultimately, and today is the day to do it, of how long we are going to continue to subsidize the defense of First World countries who are well able to pay their own way, and in fact do pay their own way in all other respects.

How long are we going to continue to borrow from the future, borrow from the inheritance of our own children, and give the money away to the Europeans and to the Japanese and others in the form of a subsidy of their defense while we are unable to balance our own budget or even to meet fundamental requirements of a government, such as education, health care, and protection from crime?

I read some statistics just a moment ago. It is no surprise to me that we have fallen so far behind the Europeans and Japanese in so many indicators of social strength when we are paying the cost of the greatest and most expensive expenditure of our Government, defense, while they are able to get by paying only a fraction.

For example, when we look at the rate of crime in those countries, as I said during the general debate, our homicide rate is 10 times that of the Europeans. Our rate of rape is seven times that of the Europeans.

I submit to the Members, it is time to stop paying to protect the Europeans from an unknown threat. It is time for us to begin paying to protect the American people from a known threat: crime, ignorance, a deficit in training necessary to compete worldwide, and a lack of health care.

There is an amendment that gives us until the year 2000. Surely by the year 2000 it is time for us to say to them, "You pay the cost of your own defense. We in the United States need to balance our budget and provide the basics for our people, just as you have been able to provide the basics for your people due to a subsidy by the American taxpayer for so long."

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in the strongest possible disagreement with the amendment offered by our colleague, the gentleman from Texas [Mr. BRYANT]. I could be partisan in this debate and say we should accept this amendment because, like my colleagues, I also agree, we should as much as possible get our allies to bear their proper share of the costs of their defense as well as our national security interests.

Mr. Chairman, I also have a responsibility here to be responsible as a member of the Committee on Armed Services, and having looked into this with my colleagues on both sides of the aisle, I am willing to listen to what the President of this country, who is not of my party, and his Secretary of Defense and his Secretary of State have said about this amendment, and one of the other amendments that will be offered today.

I would like to quote from that letter, which was written to our committee chairman. This is what Les Aspin and Warren Christopher said the amendment would do in terms of having an effect on our foreign policy:

> It runs contrary to U.S. interests, and would portend disastrous consequences: certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We on this side of the aisle could play the partisan game. We could support this amendment, and we could then have the President and the Secretary of State and the Secretary of Defense put into an embarrassing position, because they know full well they cannot sustain the gentleman's amendment.

However, we are not going to do that. We are going to stand with this President. We are going to stand with Warren Christopher. We are going to stand with Les Aspin and do what is responsible.

I ask my colleagues to overwhelmingly oppose the gentleman's amendment, support the President, support the Secretary of Defense, and support the Secretary of State.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I am pleased to yield 15 seconds to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to take a moment to thank the gentleman for his statement. I want to make a point that we are not there just to protect Europeans, it is United States interests that are at stake. The gentleman cited the letter from the Secretary of State and the Secretary of Defense, and the bottom line is the U.S. forces stationed abroad are not mercenaries. Burden-sharing is important. We are not there doing their bidding, we are there protecting our interests. That is what we should be mindful of in this debate.

Mr. WELDON. Mr. Chairman, I thank my colleague for his excellent comments, and I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. CHAPMAN). The gentleman from Texas has the right to close, and the gentleman from Pennsylvania [Mr. WELDON] has 2¾ minutes remaining.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to my distinguished colleague's amendment.

The gentleman's amendment pursues a worthy objective, one that I have shared for years in my service on the Armed Services Committee. But it takes the wrong approach.

Let us look at what the amendment does. If the allied governments do not cough up funding for U.S. presence, then we begin to withdraw our troops. I submit that the decision on U.S. troop levels overseas is one that rests with the American people through their Congress and should not be left by default to be decided by European countries, depending upon their level of legislative funding support.

Yes; we need to demand more financial support from our allies. Yes; it is time for our negotiators to get serious. But tying our Nation's troop strength to host nation dollars is the wrong way to go.

That is why I urge my colleagues to support an amendment that will be offered later by Representatives LLOYD and SISISKY that provides for a more measured approach to the issue of burdensharing. It is tough in that it reduces $580 million this year from overseas spending. It takes a hard line on negotiations with our allies. But it does not allow the foreign nations to dictate our presence. It keeps the prerogatives for American national security in the hands of the American people.

I urge my colleagues to defeat the amendment of Mr. BRYANT and support the more measured approach that will be offered by Representatives LLOYD and SISISKY.

Mr. WELDON. Mr. Chairman, I yield the remainder of our time to our distinguished colleague, the gentleman from West Virginia [Mr. WISE].

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. WISE] is recognized for 1 minute.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the reason I rise to reluctantly oppose the amendment of the gentleman from Texas [Mr. BRYANT], and I will be voting for other burdensharing amendments later, is that it implies only our interests are at stake, and particularly in Japan. Let us take Japan for a minute. Recently Japan was paying $2.5 billion out of a $6 billion tab incurred to keep our troops there. That is about 40 percent. Under a 1991 agreement, that now rises to 75 percent that will be paid by the Japanese of the costs of stationing United States troops. I think that is very, very significant.

Is it only Japanese interests at stake? This is our major Northern Pacific base. We are not in the Philippines any more. This is our Pacific base. We have China unsteady, we have Russia going through its throes, and the other nations in that area. We have North Korea always unpredictable. Certainly, it is not just Japan that has a vital interest in the United States being able to project its force from the bases in Japan.

I would urge rejection of this amendment. I think it certainly sends the wrong message.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BRYANT] has 1½ minutes remaining to close debate.

Mr. BRYANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I regret very much to see my colleague, the gentleman from West Virginia, rise in support of a nation that very definitely has an interest in us continuing the status quo. Japan, which spends only 1 percent of its gross domestic product on defense, while we in the United States spend 5.2 percent, while we in the United States run a $50 billion budget trade deficit with the Japanese, yes, they have an interest in our continuing to pay their bills.

I urgently implore my colleagues not to postpone this decision any longer. Surely 50 years, almost 50 years since the end of World War II, we can make a decision that by the year 2000 we will no longer continue to subsidize the defense of First World allies who do a better job than we do in balancing their budgets, a better job than we do in educating their people, providing health care, and protecting their people from crime.

The front page of today's Washington Post says we have 90 million Americans who are only marginally literate, who can only perform the most fundamental tasks in terms of computations and reading.

□ 1300

Surely it is time for us to stop subsidizing these nations that outcompete us today, that do not cut us any slack when it comes time to make trade agreements, and that do a better job of educating and preparing their people, and start using these dollars not to protect countries that can well pay to protect themselves, but use these dollars to protect the American people from a future that may very well be bleak unless we recognize our responsibility to our own fiscal soundness today.

I urge Members to vote aye on the Bryant amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BRYANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 231, not voting 12, as follows:

[Roll No. 417]

AYES—195

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Blackwell
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Burton
Byrne
Camp
Canady
Cardin
Carr
Chapman
Clay
Coble
Collins (IL)
Condit
Costello
Coyne
Crane
Cunningham
Danner
de Lugo (VI)
DeFazio
Dellums
Deutsch
Dingell
Doolittle
Dreier
Duncan
Durbin
Edwards (CA)
Engel
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gillmor
Green
Greenwood
Hall (TX)
Hamburg
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Holden
Horn
Hunter
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Markey
Martinez
McDermott
McHale
McInnis
McKinney
Meehan
Menendez
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Pryce (OH)
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Roberts
Rohrabacher
Romero-Barcelo (PR)
Roth
Rowland
Royce
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Slattery
Slaughter
Stark
Strickland
Studds
Stupak
Swett
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Washington
Waters
Watt
Wheat
Wilson
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—231

Ackerman
Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (FL)
Bunning
Buyer
Calvert
Cantwell
Castle
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer

Crapo	Johnston	Price (NC)
Darden	Kasich	Quillen
de la Garza	Kennelly	Quinn
Deal	Kim	Reed
DeLauro	King	Richardson
DeLay	Kingston	Ridge
Derrick	Klug	Roemer
Diaz-Balart	Knollenberg	Rogers
Dickey	Kolbe	Ros-Lehtinen
Dicks	Kyl	Rose
Dixon	Lancaster	Rostenkowski
Dooley	Lazio	Roukema
Dornan	Leach	Roybal-Allard
Dunn	Levin	Sabo
Edwards (TX)	Levy	Santorum
Emerson	Lewis (CA)	Sarpalius
English (AZ)	Linder	Sawyer
Fawell	Livingston	Saxton
Fazio	Lloyd	Schaefer
Fields (TX)	Machtley	Shaw
Fish	Maloney	Shays
Fowler	Mann	Shuster
Franks (CT)	Manton	Sisisky
Gallegly	Manzullo	Skaggs
Gallo	Margolies-Mezvinsky	Skeen
Gekas	Matsui	Skelton
Gephardt	Mazzoli	Smith (IA)
Geren	McCandless	Smith (MI)
Gibbons	McCloskey	Smith (NJ)
Gilchrest	McCollum	Smith (OR)
Gilman	McCrery	Smith (TX)
Gingrich	McCurdy	Snowe
Glickman	McDade	Solomon
Gonzalez	McHugh	Spence
Goodlatte	McKeon	Spratt
Goodling	McMillan	Stearns
Gordon	McNulty	Stenholm
Goss	Meek	Stump
Grams	Meyers	Sundquist
Grandy	Michel	Swift
Gunderson	Mineta	Synar
Gutierrez	Molinari	Talent
Hall (OH)	Mollohan	Tanner
Hamilton	Montgomery	Tejeda
Hancock	Moorhead	Thomas (CA)
Hansen	Moran	Thomas (WY)
Harman	Morella	Thornton
Hastert	Murtha	Torkildsen
Hefley	Myers	Underwood (GU)
Hoagland	Olver	Valentine
Hoekstra	Ortiz	Visclosky
Houghton	Orton	Volkmer
Hoyer	Oxley	Walker
Huffington	Packard	Walsh
Hughes	Paxon	Waxman
Hutchinson	Payne (VA)	Weldon
Hutto	Penny	Whitten
Inglis	Peterson (FL)	Williams
Inhofe	Pickett	Wise
Istook	Pickle	Wolf
Johnson (CT)	Porter	Zeliff
Johnson (GA)	Portman	
Johnson, Sam		

NOT VOTING—12

Callahan	Hoke	Stokes
Collins (MI)	Hyde	Tauzin
Conyers	Mfume	Vucanovich
Ford (TN)	Neal (NC)	Young (AK)

□ 1321

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mrs. ROUKEMA changed her vote from "aye" to "no."

Mr. RUSH, Ms. MCKINNEY, and Messrs. WYNN, EWING, and HILLIARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 3 of House Report 103-223.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: At the end of subtitle B of title XXVIII of the bill, add the following new section:

SEC. 2819. EXPANSION OF BASE CLOSURE LAW TO INCLUDE CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES FOR CLOSURE AND REALIGNMENT.

(a) EXPANSION OF SCOPE OF BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating sections 2910 and 2911 as sections 2911 and 2912, respectively; and

(2) by inserting after section 2909 the following new section:

"SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

"(a) RECOMMENDATIONS FOR TERMINATION AND REDUCTIONS OF MILITARY OPERATIONS OUTSIDE THE UNITED STATES.—With respect to recommendations made in 1995 for the closure and realignment of military installations under this part, the Secretary and the Commission shall include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States.

"(b) SELECTION CRITERIA.—(1) Not later than December 31, 1993, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

"(2) Not later than February 15, 1994, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States.

"(3) The criteria developed under this subsection, along with the force-structure plan referred to in section 2903(a), shall be the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States, unless the criteria are—

"(A) disapproved by a joint resolution of Congress enacted on or before March 15, 1994; or

"(B) amended by the Secretary in the manner described in section 2903(b)(2)(B).

"(c) RECOMMENDATIONS OF THE SECRETARY.—The Secretary shall transmit recommendations to the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States. The recommendations shall be included in the recommendations transmitted to the Commission with respect to the closure and realignment of military installations inside the United States under section 2903(c).

"(d) REVIEW AND RECOMMENDATIONS BY COMMISSION.—The Commission shall review the recommendations transmitted by the Secretary under subsection (c). The Commission may make changes in the recommendations made by the Secretary only in the manner provided in subparagraphs (B), (C), and (D) of section 2903(d)(2). The Commission shall include, in its recommendations to the President under section 2903(d), its recommendations for the termination and reduction of military operations of the United States at specified military installations outside the United States.

"(e) REVIEW AND TRANSMITTAL BY THE PRESIDENT.—The recommendations transmitted by the President under section 2903(e) shall contain the recommendations of the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States.".

(b) EFFECT OF FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—Section 2903 of such Act is amended by adding at the end the following new subsection:

"(f) FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—(1) In the case of the recommendations of the Commission required to be transmitted to the Congress in 1995 pursuant to subsection (e), if the closure or realignment of military installations outside the United States does not account for at least 25 percent of the closure and realignment recommendations of the Commission, as certified by the Commission under paragraph (2), then the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

"(2) In determining whether the percentage specified in paragraph (1) is satisfied, the Commission shall calculate such percentage both in terms of—

"(A) the number of military installations outside the United States recommended for closure or realignment as a percentage of the total number of military installations recommended for closure or realignment that year; and

"(B) the number of military personnel and civilian employees of the Department of Defense stationed or employed outside the United States directly affected by the recommendations as a percentage of the total number of military personnel and civilian employees of the Department of Defense directly affected by the recommendations.".

(c) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 2901 of such Act is amended to read as follows:

"(b) Purpose.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside and outside the United States.".

(2) Section 2911 of such Act, as redesignated by subsection (a)(1), is amended—

(A) in paragraph (4), by inserting after the first sentence the following new sentence: "With respect to military operations carried out by the United States outside the United States, such term includes the sites and facilities at which such operations are carried out without regard to whether the sites and facilities are owned by the United States."; and

(B) by adding at the end the following new paragraph:

"(8) The terms 'closure' and 'realignment' include, with respect to military operations carried out by the United States outside the United States, the termination or reduction of such operations.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from

Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and a Member opposing, the gentleman from Pennsylvania [Mr. WELDON], will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I would like to reserve the right to hold my time to close debate.

The CHAIRMAN pro tempore. The gentlewoman from Colorado reserves her 5 minutes.

Mr. WELDON. Mr. Chairman, I rise in strong opposition to the Schroeder amendment, and I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. SAXTON], a member of the committee.

Mr. SAXTON. Mr. Chairman, I rise in opposition to this amendment.

Having had bases in my district go through the BRAC process in 1988, 1991 and 1993 I believe this amendment will do great harm to a process that works.

I oppose this amendment for several reasons.

First, the BRAC process was designed to bypass the politics that prevented Congress from closing a single domestic base during the 70's and the late 80's.

We could learn a lesson from the BRAC process. Since parochial interests have blocked base closure in the past and still block spending cuts today, I personally believe that a BRAC type procedure should be established to reduce spending and eliminate the deficit.

However, There is no political gridlock when it comes to closing foreign bases. The Pentagon has closed bases abroad with little or no rumblings in Congress.

Since 1990, BRAC has approved the closure or realignment of approximately 60 major facilities in the United States.

During that same time frame we have closed approximately 700 installations abroad. This is according to information provided to my office from the House Armed Services Committee. In this year alone 90 overseas base closures or realignments were announced as opposed to 32 at home approved by BRAC.

The third reason I am opposed to this amendment is that it would be a logistical nightmare to include foreign base closures in the domestic process. The domestic process includes visits to every major facility that makes it on the Secretary of Defense's list for closure or realignment.

It would be a logistical nightmare and inflate the cost of doing business to send a BRAC commissioner and several staff members abroad to visit every major foreign base on that list. These visits also include input from community leaders as to why their bases should not be closed.

The fourth reason I am opposed to this amendment is that if we incorporate foreign base closures into the domestic process that would mean, as I mentioned, meetings with community leaders.

As the process operates now, communities in the United States can make a case for having their bases removed from the closure list—and some are successful. Communities abroad cannot do this.

By voting for this amendment Congress could be providing a forum where foreign communities would be given equal status with American communities in trying to get their base removed from the list.

I know this is exactly the opposite of what the gentle lady from Colorado intended when she proposed this amendment.

For these reasons I urge my fellow colleagues to vote against this amendment.

Mr. WELDON. Mr. Chairman, I thank my distinguished colleague for his remarks.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY], a very respected Member and chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the amendment offered by my friend and colleague, the gentleman from Colorado. This amendment would place the 1995 base closure round in jeopardy.

This amendment would grant the already overburdened Independent Base Closure and Realignment Commission the ability to recommend closure of foreign bases. Giving this Commission the ability to determine our country's national security arrangements overseas is an abrogation of the responsibilities of the executive branch and the oversight responsibilities of this Congress.

In addition, the amendment mandates the termination of the 1995 base closure round if the Commission's foreign closure recommendations do not constitute 25 percent of the total list. This requirement eliminates any possibility of achieving defense savings through a proper reduction in infrastructure costs that this Congress intended by the passage of the 1990 Base Closure Act.

Furthermore, it is conceivable that the Commission could be forced to include more domestic closures to satisfy this percentage requirement.

While this amendment makes for good bumper sticker politics, its effect runs counter to its good intentions. This House should not be in the business of handing over this country's national security arrangements to independent Commissions. There has already been a 42-percent reduction in overseas infrastructure, with more closure announcements likely. This administration is living up to its pledge to ensure that taxpayer moneys are being spent wisely in our overseas locations. The recently released bottom-up review also spoke to the need to continue to reduce excess infrastructure.

Mr. Chairman, Secretary of Defense Aspin has recently stated as of July that the total number of U.S. military sites overseas has been reduced by about 50 percent since January of 1990; 840 locations overseas were reduced or ended in the last 3 years, and of those, 773 are in Europe where the United States and its NATO allies no longer face the Moscow-Warsaw Pact.

There is also the intention to reduce U.S. forces there to 100,000 by September 30, 1996.

For these reasons, Mr. Chairman, I urge a no vote on the Schroeder amendment.

Mr. WELDON. Mr. Chairman, I yield the remaining 15 seconds to our distinguished colleague, the gentleman from California [Mr. HUNTER].

□ 1330

Mr. HUNTER. Mr. Chairman, let me just say that in Europe we have drawn down from 304,000 to 164,000. The Subcommittee on MILCON will be working this extensively next year.

I say to my colleagues, "Please vote no on the Schroeder amendment."

The CHAIRMAN pro tempore (Mr. DURBIN). All time in opposition to the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] has expired. The Chair recognizes the gentlewoman from Colorado for 5 minutes to close debate.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of my amendment, which would put overseas military bases on the 1995 base closure process, just like domestic bases. I urge you to vote yes on the amendment.

It is ludicrous that overseas bases have not been included in past base closure rounds. As we think our defense infrastructure at home, we should be doing the same with our bases overseas. In order to achieve this, the Pentagon needs the same push, as they now have with domestic bases, to make the hard choices of overseas base closures.

The Defense Department argues that it already has the ability to close overseas bases, and that it has closed hundreds of bases in recent years. These numbers may look impressive, but a closer look shows they are comparing apples with prunes: Domestic base closure lists close entire installations, overseas lists close sites—often unmanned, like radar towers, or with no military mission, like country clubs.

My amendment will treat overseas bases just like domestic bases during the 1995 base closure process. DOD will continue to make recommendations to

the Base Realignment and Closure Commission, which will analyze the choices and make final recommendations to the President and Congress. In order to make my amendment effective, 25 percent of the 1995 base closure list must include overseas bases, and if not, then the base closure process will terminate for that year.

The House passed a similar provision in 1991, by a vote of 412–14, during consideration of the 1991 base closure list. Mr. Chairman, I urge you and our colleagues to make a similar vote this week to make the 1995 base closure process a similar success.

Mr. HORN. Mr. Chairman, I am delighted to urge the House to support the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER]. It is a matter of fairness that foreign bases also be included in the base closure process which now includes only domestic bases. This does not infringe on the President's ability to conduct foreign affairs. If I were President, I would welcome an independent commission's evaluation of foreign bases and the military value which they contribute to the defense of this Nation. It would aid the President in explaining to some nations why such an action must be taken. If the President believed a foreign base was absolutely essential to the defense of the United States, his request would be surely accepted by those involved in the base closure process.

Earlier this year, several of us put in legislation to accomplish exactly what the gentlewoman from Colorado has offered today. H.R. 1321 had bipartisan support. I hope that this amendment will also have bipartisan support. I commend the gentlewoman from Colorado for offering it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 137, not voting 15, as follows:

[Roll No. 418]

AYES—286

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barca
Barlow
Barrett (WI)
Bellenson
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Coyne
Cramer
Crane
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Glickman
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Meyers
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Zimmer

NOES—137

Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berman
Biliey
Blute
Boehner
Bonilla
Bunning
Buyer
Castle
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Hamilton
Hancock
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hutto
Inglis
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Levy
Lewis (FL)
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McKeon
McMillan
Menendez
Mica
Michel
Molinari
Mollohan
Moorhead
Murtha
Nussle
Oxley
Packard
Paxon
Pickett
Pombo
Porter
Pryce (OH)
Quillen
Ramstad
Rohrabacher
Ros-Lehtinen
Santorum
Saxton
Schiff
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Visclosky
Walker
Weldon
Young (FL)
Zeliff

NOT VOTING—15

Becerra
Conyers
Ford (TN)
Hoke
Hyde
McDermott
Mfume
Neal (NC)
Romero-Barcelo (PR)
Stokes
Tauzin
Vucanovich
Whitten
Yates
Young (AK)

□ 1353

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. BACHUS of Alabama and Mr. MENENDEZ changed their vote from "aye" to "no."

Messrs. DUNCAN, TAYLOR of North Carolina, GILLMOR, CRAMER, and TEJEDA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 3 of House Report 103–223.

AMENDMENT AS MODIFIED OFFERED BY MRS. LLOYD

Mrs. LLOYD. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment offered by Mrs. LLOYD, as modified: At the end of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out "During fiscal years 1992 and 1993, the Secretary" and inserting in lieu thereof "The Secretary"; and

(B) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "any country or regional organization designated for purposes of this section by the Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking out "each quarter of fiscal years 1992 and 1993" and inserting in lieu thereof "each fiscal-year quarter";

(B) by striking out "congressional defense committees" and inserting in lieu thereof "Congress"; and

(C) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu

thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)".

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.".

SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), is amended—

(1) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will offer an amendment, along with my cosponsor, Mr. SISISKY, in an effort to provide the House with a responsible approach to the oversight of U.S. military basing activities overseas. And, frankly, Mr. Chairman, we offer this amendment to help counter and deflect less responsible amendments that would cut too deeply into the ability of the United States to secure its own vital national interests overseas.

Mr. Chairman, it is long past time for this body to place the burdensharing debate where it belongs—solidly on the grounds of securing our own national interests. Every Member of this body should certainly understand that we do not have troops in Japan primarily to defend Japan. We do not have troops in Korea primarily to defend Korea. We do not have troops in Europe primarily to defend Europe. The Armed Services Committee and the administration, like past Congresses and administrations, have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interests. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities and burdens to the extent that their interests are also being secured.

This amendment recognizes the importance of forward military presence to securing U.S. national interests and would provide adequate support for maintaining that presence. It also recognizes that such forward presence costs us far less in the long run—it helps us pursue our own national security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or ignoring them altogether and retreating into isolationism.

Our amendment takes into account the great strides that have been made in implementing recent congressional mandates regarding overseas basing activities and allied commitments to sharing more equitably the responsibilities and burdens associated with our mutual security. For example, since 1986, the number of U.S. military personnel permanently stationed overseas has declined by almost 200,000; Since 1989, U.S. spending for overseas basing activities has fallen by more than 36 percent; the total number of U.S. military facilities overseas has been reduced by about 50 percent and we are cutting bases overseas more quickly than domestic bases.

Let us take a look at the progress we are making as a result of last year's congressional mandates alone. First, as a result of the amendment offered last year by Mrs. SCHROEDER, we are withdrawing our troops from Europe so as to have no more than 100,000 there by 1996. Also by 1996, Mr. GEPHARDT's amendment from last year is reducing our total overseas forces to 60 percent of the 1992 level. The amendments of Mr. FRANK and Mr. KASICH resulted in the reduction of $500 million in U.S. overseas military spending. The amendment we are offering here would provide a capstone to these congressional actions with the net result of bringing U.S. military spending for 1994 down to about $3.3 billion lower than in 1993.

Mr. Chairman, our allies have also taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion per year against United States stationing costs and has agreed to pay virtually all such costs by 1995 except those, such as salaries, that would not be appropriate. South Korea currently contributes roughly $2 billion per year against United States stationing costs, has agreed to pay substantially more by 1995, provides manpower augmentees to United States Army units in Korea, and has assumed leadership of the ground forces deployed in that country. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country (including the United States) to the reconstruction, democratization and economic reform of Eastern Europe and the former Soviet Union (including about 75 percent of all grant aid to the former Soviet Union).

Our NATO allies have also agreed to act collectively to help reduce U.S. stationing costs. NATO has approved the use of common funding (to which our allies contribute about 72 percent) to pay for embarkation facilities on the East Coast of North America and to extend eligibility for such common funding to U.S. O&M costs at reinforcement facilities such as air bases and the storage sites for prepositioned U.S. equipment and ammunition.

Mr. Chairman, the amendment I am cosponsoring today takes into account this significant progress we have made in reducing the U.S. costs of maintaining the forward military presence we need to secure our own national interests. Our amendment takes an important additional step as well. It proposes a reduction in our total overseas O&M spending of about $580 million below the level recommended in the committee bill. We are making this proposal primarily in anticipation of continued U.S. troop withdrawals from overseas bases somewhat ahead of the schedules on which the Pentagon's budget proposal was based. Because these withdrawn troops will be arriving at their new U.S. bases somewhat ahead of schedule, and neither the administration nor the Congress are recommending that they be ushered out of the force, our amendment would apply these savings in overseas costs to the increased readiness requirements at our bases here at home.

Furthermore, our amendment includes a sense of Congress that our security arrangements and alliances must be further adapted to the security environment of the post-cold war period. For example, NATO should continue developing its peacekeeping capabilities and embracing former adversaries in Eastern Europe and the former Soviet Union. Our amendment also insists that NATO review the cost-sharing percentages of its infrastructure program and conform them to current economic, military and political

realities. Finally, our amendment insists that the President continue the reductions in our overseas military presence mandated by Congress and intensify his efforts to secure further agreements with our allies that bring additional reductions in our overseas basing costs.

Mr. Chairman, our amendment proposes a responsible approach to congressional oversight of overseas basing requirements and should be supported by both sides of the aisle. I urge my colleagues to vote yes on this Lloyd/Sisisky amendment. I urge them to vote no on the Frank Amendment that is to follow.

Mr. HUTTO. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I hope Members listen to what the gentlewoman from Tennessee [Mrs. LLOYD] is saying and support this amendment offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY], instead of the one that follows.

Mr. Chairman, we all know we are drawing down in Europe at a big rate, but we do not want to pull the rug out from under our troops there. This is a reasonable course. I know that this is the operations and maintenance fund. Of course, under this amendment if they get in trouble with our maintenance and operations funding they can reprogram and make sure that our forces overseas have what they need.

Mr. Chairman, it is hard enough, it is difficult enough for our forces. Many of them are being discharged in mid-career. So I think the Members would be wise in supporting this amendment and voting no on the amendment to follow this.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Florida [Mr. HUTTO] for his leadership, and also for his support.

Mr. Chairman, I yield to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I appreciate the gentlewoman yielding to me.

Mr. Chairman, I think this is an excellent way of approaching this, because the $580 million that is going from one place to the other is sorely needed.

□ 1400

And if we do not need it in one place, we certainly do in the other, particularly in the O&M area.

I congratulate the gentlewoman and compliment her and the gentleman from Virginia [Mr. SISISKY] on what they are doing.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Missouri for his leadership and his willingness to increase our readiness capability here at home.

It is important to remember that our amendment also includes a sense of Congress that our security arrangements and our alliances must be adapted further to the security environment of the post-cold war world. I do hope that my colleagues will support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SISISKY].

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, for many years we have debated the proper level of funding for U.S. forces overseas, and the pace of troop withdrawals as we reduce our overseas presence.

At first these were considered in the context of their impact on our military capabilities and on U.S. influence in other regions.

However, these issues are now being considered in the context of their impact on the economy, or the amount of funding they could free up for economic conversion.

I think we need to go back and address these issues in the larger context of our role in the world.

In my opinion, there is no substitute for being there. We must maintain our day-to-day presence and influence overseas.

I doubt anyone would disagree. But as a practical matter, some of these amendments have that effect.

Using this money for deficit reduction or economic conversion sounds appealing—especially in a district like mine.

But the world is still a very dangerous place.

None of these amendments give us enough flexibility to meet the uncertain challenge of the future.

Yesterday I entered into the RECORD a letter from Secretary Aspin and Secretary Christopher.

They say,

> It is our assessment that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals.
>
> As a result, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote vital national interests.
>
> The proposed amendments run contrary to U.S. interests and portend disastrous consequences.

But there is a way to move in this direction—without going too far—by supporting the Lloyd/Sisisky amendment.

Our amendment anticipates overseas troop reductions of 40 percent by fiscal year 1996, which I think is realistic.

In line with this, we reduce O&M funds for overseas commitments by $580 million in fiscal year 1994.

Our amendment does not go too far or too fast—and gets us where we want to go in a prudent, steady, responsible manner.

Just as important, it does not burn our bridges behind us.

We can continue to assess the situation as the need arises.

I ask you to support the Lloyd/Sisisky amendment—while opposing amendments that go too far, too fast in what could be a wrong and very risky direction.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Pennsylvania [Mr. WELDON] has 3 minutes remaining.

Mr. WELDON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong support of the amendment being offered by our colleagues on the committee. This is a responsible approach to burdensharing.

For all of our colleagues who are back in their offices or here in the Chamber, if they want to vote for a reasonable, responsible approach to burdensharing, to give the administration a signal that this is a top priority but not undermine this administration's attempt to deal with our allies in a responsible manner, this is the vote.

Republicans will be joining our Democratic colleagues in support of this amendment. I also ask our colleagues, both in their offices and here on the floor, to overwhelmingly reject the following amendment, which I think is irresponsible, which the administration has gone on record, both Warren Christopher and Les Aspin, in saying it would jeopardize their ability to have a reasonable relationship with our NATO allies and would undo the good will that we have established over the years in working to downsize our European forces.

In fact, when that amendment is offered, I am going to ask unanimous consent to amend it to instead of taking the $1 billion from our European allies to ask that that amendment take the $1 billion from the U.N. to pay for the Somalia operation.

Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

I ask my colleagues to support my amendment and reject the Frank amendment. The Frank amendment, if enacted into law, would force the withdrawal of U.S. troops from Europe. With them would go the leadership position in European affairs and our ability to promote and to protect our vital national interests there.

With continued U.S. involvement and leadership, we can marshal NATO's collective political, diplomatic, social, economic and military capabilities to pursue our mutual interests in stability and security. Americans don't want and can't afford to go it alone and play the world's policeman. Neither can we

afford to see our country retreat from the world stage and return alone to "fortress America." If we don't act together, no one acts or we have to act alone.

I think this is a very succinct, workable amendment. It is logical. I do ask my colleagues to support this amendment and to reject the Frank amendment.

The CHAIRMAN pro tempore. The gentlewoman from Tennessee [Mrs. LLOYD] yields back the balance of her time.

The question is on the amendment, as modified, offered by the gentlewoman from Tennessee [Mrs. LLOYD].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. LLOYD. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 14, as follows:

[Roll No. 419]

AYES—424

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Collins (IL)
Conyers
Hastert
Hilliard
Hoke
Hyde
McDermott
Neal (NC)
Reynolds
Stokes
Vucanovich
Whitten
Yates
Young (AK)

□ 1425

So the amendment as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. REYNOLDS). It is now in order to consider Amendment No. 4 printed in part 3 of House Report 103–223.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: At the end of title X (page 346, after line 23), insert the following section:

SEC. 1043. ENFORCEMENT OF INCREASED HOST-NATION SUPPORT UNDER DEFENSE BURDENSHARING AGREEMENTS.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1994 is the sum of the separate authorizations contained in this Act for that fiscal year reduced by $1,000,000,000.

(b) REDUCTION OF FUNDS FOR ACTIVITIES IN EUROPE.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may be made only from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support due to agreements reached pursuant to section 1301(e) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2544).

(2) Accelerated withdrawal of United States forces or equipment under the provisions of section 1302 and the amendment made by section 1303 of such Act (Public Law 102–484; 106 Stat. 2545).

(c) MAINTENANCE OF PRESENCE IN EUROPE.—To the extent that reductions required by subsection (a) are accounted for by accelerated withdrawal of United States forces as described in subsection (a)(2), the President is encouraged to enter into agreements with European member nations of the North Atlantic Treaty Organization for the short-term deployment of United States forces in such nations (in lieu of assignment to permanent duty in such nations) for joint training at military facilities that are paid for and maintained primarily by such nations.

(d) USE OF SAVINGS.—The savings realized as a result of the reductions for purposes of subsection (a) shall be allocated as follows:

(1) $500,000,000 shall be used for reduction of the deficit.

(2) $500,000,000 shall be used for defense conversion, reinvestment, and transition assistance programs under title XIII, of which—

(A) $300,000,000 shall be used to increase funding for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title, as described in section 1311;

(B) $40,000,000 shall be used to increase funding for community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code;

(C) $60,000,000 shall be used to increase funding for the teacher and teacher's aide placement programs under section 1151 of title 10, United States Code;

(D) $60,000,000 shall be used to increase funding for the law enforcement placement program under section 1152 of title 10, United States Code, and the health care provider placement program under section 1153 of such title, as added by section 1332;

(E) $10,000,000 shall be used to increase funding for the program to provide demonstration grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults, as established by section 1333;

(F) $10,000,000 shall be used to increase funding for the demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation, as established by section 1335; and

(G) $20,000,000 shall be used to increase funding for the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 106 Stat. 2768).

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should continue efforts to enter into revised host-nation agreements as described in section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2545) for purposes of providing that foreign countries assume an increased share of the costs of United States military installations in those countries and for the other purposes set forth in paragraph (2) of that section; and

(2) each host-nation agreement entered into pursuant to such section should require the host nation to increase its payments under the agreement at an annual rate of not less than 15 percent per year so that the host nation assumes, not later than September 30, 1998, at least 75 percent of the non-personnel costs of United States military installations in that nation.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 5 minutes, and a Member opposed, the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts [Mr. FRANK], the gentleman from Connecticut, [Mr. SHAYS], and myself, to require increased burdensharing contributions from our allies.

I want to focus on one part of the amendment, which would encourage the President to enter into agreements with foreign allies to engage in joint training at allied bases—bases paid for and maintained by our foreign friends.

This amendment would encourage dual basing—keeping U.S. troops permanently stationed in the United States while maintaining training relationships with foreign countries. By using short-term deployments, military members can avoid being stationed overseas, away from their families and familiar culture.

We want to continue to have a foreign presence, but not at the expense of maintaining a costly network of infrastructure overseas. Allies who are able to host our training exercises with their own troops should benefit from U.S. presence.

Many of our allies believe that the United States will never reduce permanently stationed presence in their country. This amendment sends the clear signal that we don't intend to stay permanently, but will be happy to work with them if they are willing to pay a fair share of training costs—the cost of maintaining the base infrastructure in their country.

The Frank-Schroeder-Shays amendment will give U.S. negotiators the leverage they need to strike fair and effective agreements with our allies. We have seen the progress we have made in recent years in Asia, due in large part to amendments adopted by the Congress. The Frank-Schroeder-Shays amendment will carry on that tradition and improve our relationships with our allies around the world. Mr. Chairman, I urge support for the amendment.

Mr. WELDON. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. HUNTER], the ranking minority member of the Subcommittee on Military Installations and Facilities.

Mr. HUNTER. My colleagues, this is a bad amendment because it does the worst disservice one can possibly do to our troops. It cuts maintenance, it cuts operations, and that means ammunition, it means spare parts, it means quality of life things like repairing barracks and repairing residence for military families overseas. The worst thing we can do when we have military people overseas is to leave them in a state of unreadiness.

We are reducing our troops in Europe. We have gone down almost 50 percent. Take a look here and see that we are down about 150,000 people since 1990. That is a sharp rate of reduction. It is a much steeper slope than our own base closure program at home.

Do not vote "yes" on the Frank amendment. It deprives our troops, your troops, of ammunition, of spare parts, of readiness, and that is a great disservice. Vote "no" on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, while the United States and the Soviet Union were involved in a cold war, Europe, Japan, and the Asian rim nations were involved in an economic contest and dividing the spoils. And they were doing that for decades. Now finally we have a chance to be involved in this economic contest and create jobs here at home.

But it is difficult when we still continue to subsidize Western Europe and to some extent Japan and Korea. I wonder, as I think about burden sharing, why the Japanese pay 68 percent of the nonpersonnel costs and give us $2.5 billion in cash, and Europe pays only 19 percent of the nonpersonnel costs and whats worse only $299 million in cash.

□ 1430

I wonder why that happens. The answer is obvious: We let them get away with it. We let them have a free ride. We passed an amendment last year that said they should pay 75 percent of our nonpersonnel costs by 1996. That is about $4.5 billion. They are way behind schedule.

The Frank-Shays-Schroeder amendment gets them back on schedule. It honors the amendment we passed last year.

I urge you to vote for this $1 billion reduction to our overseas basing account. Half of this money will go for deficit reduction and the other half helps get our troops and our businesses back competing with Western Europe, Japan, and the rest of the world economically.

Mr. WELDON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, for all of our colleagues who voted for the previous amendment, which was, in my opinion, a responsible approach to burden sharing, I would ask that they not support this amendment which the administration is unalterably opposed to. Any of my colleagues, on either side, who has the opportunity to read the letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, which states in very dramatic terms what this amendment would do to our relationship with our NATO allies, understands that this is not the most prudent course to take in terms of supporting this administration and its foreign policy objectives.

I would say to the authors of this amendment, ask them a question: If they would be willing to amend this amendment and take the $1 billion that they want to save, from the Somalia operation, I will support it. Would the gentleman be willing to accept that?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I would accept that as a separate amendment. I think adding it to this one could endanger it. But if the gentleman wants to offer that as a separate amendment, we can deal with that if he asks and gets unanimous consent. But I do not want to burden it any more than he wanted to add it to

the last amendment. He did not want to add it.

Mr. WELDON. If the gentleman would accept that amendment, I would be happy to change it to pay for it—have the U.N. pay for it from the funds for the Somalia operation and we could save $1 billion out of our defense budget this year and next. Obviously, my colleague does not want to accept it.

Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I have watched attentively the last couple of days for the cries to cut spending first which have been echoed through this Chamber just 1 month ago being drowned out by a kind of missile mania. If we will not cut unnecessary spending, at least we can ask our allies, who have racked up foreign trade surpluses at our expense, to pay their fair share. We are not promoting isolationism, we are still willing to make the sacrifices to put our young men and women in the guardposts at the front lines. But our allies must share the financial burden. We simply cannot afford to continue this practice.

Mr. WELDON. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in opposition to the Frank amendment that would take $1 billion away from the support of our men and women stationed in Europe to secure our own national interests.

I would like to remind my colleagues that our troops in Europe have not been maintained by administration after administration and Congress after Congress to protect our Nation's security interests alone. They have been maintained there to secure our economic interests as well. We can not afford to lose sight of the fact that Europe is already our Nation's largest economic market, even before you add the 400 million people of Central Europe and the former Soviet Union. Stability throughout that region is vital to securing economic development and opportunities for American commerce.

And, let me add here that, if any organization stands a chance of providing the necessary stability to that region, it is NATO. I'll go a step further and say that, if the United States had exercised its leadership in NATO and encouraged that alliance to join in taking even modest action in the former Yugoslavia in 1991 and 1992, that region would be a lot further from war and a lot closer to a stable market in 1993.

Mr. Chairman, we should see this amendment for what it is and not what it pretends to be. It is an attempt to reduce our military presence in Europe drastically below the levels mandated by Congress and proposed by the administration. Such reductions would eliminate the capabilities on which active U.S. participation and leadership in NATO are based. Isn't it strange and disturbing that some Americans and their representatives are clamoring to get America out of NATO at a time when the countries of Central Europe and the former Soviet Union are clamoring to get into NATO.

Mr. Chairman, this amendment also ignores the vital link between stability and economic opportunity by pretending that we could effectively reduce our budget deficit and enhance our defense conversion programs by reducing our security activities in Europe by a billion dollars. The foolhardiness of this approach is clear in President Clinton's statement that "We can not choose between international engagement and domestic reconstruction. They are two sides of the same coin. Our economy is increasingly tied to the world market."

Mr. Chairman, let me briefly lay out the consequences of this amendment in terms of our military presence in Europe and our overall force structure. First, the administration's projection, in conformance with last year's Schroeder amendment to reduce to 100,000 in Europe by 1996, is that our troop levels in Europe during 1994 would move from about 165,000 to about 135,000 and would cost us about $10.5 billion. Those troops would be operating at high operational tempo levels to train with our allies and maintain their combat effectiveness in the missions for which they are preparing.

Given that our estimates of the incremental costs of maintaining troops in Europe compared to basing them in the United States are only about 10 to 15 percent, if the Frank amendment were to be enacted, we would be forced into one of two options. First, we could withdraw all of our troops from Europe in 1994 and station them in the United States in order to save the incremental costs of $1 to $1.5 billion. Second, we could cut our European deployments to a very low level in 1994—the highest estimate is 50,000 troops operating at very low optempo levels—and bring the remaining 85,000 or more back home and put them out of uniform and on the street. Neither of these options would protect our national security or economic interests in Europe, effectively reduce the budget deficit, or enhance our defense conversion prospects.

Mr. Chairman, I won't rehearse here the significant progress being made in reducing our overseas basing activities to Congressional mandated levels and in securing allied commitments to sharing equitably in the responsibilities and burdens of security and stability. I will simply remind my colleagues that NATO is the most successful security organization the world has ever known. It was instrumental in deterring world war III and ending the cold war without major bloodshed in Europe. It offers the primary hope for building on that success and securing our national interests on a collective basis. We can't afford to do it otherwise—to play the world's policeman unilaterally or to retreat into isolationism. We have to maintain the necessary forward presence to avoid those outcomes. I urge my colleagues to vote no on the Frank amendment.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I want to say that this is an isolationistic amendment. We are wanted in Europe, we have been important in Europe, we are reducing our size from 390,000 to 100,000. Our presence promotes stability. Twice this century this country has had to go over to Europe to bail it out. That is why it is important to stay the course, do what we have to do; we are reducing and we are saving.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 15 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding. Mr. Chairman, I rise in support of the Frank amendment.

Mr. Chairman, today's Washington Post headlines, "Brothers in Arms Now, GI Joe and Ivan Train Together. American and Russian divisions to train together for peacekeeping operations." There is a picture of the Russian defense minister and Defense Secretary Les Aspin signing the documents together. It is in today's Post.

Vote for Frank.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the one thing you can be sure of, when a Secretary of Defense is shaking hands with any European defense minister, nobody is leaving any bucks in his palm.

I have an amendment here that is going to make Western Europe feel safer. It is an amendment to increase the security level of our allies because, contrary to almost everything that you have heard from the other side, a well-intentioned set of errors, I am sure, this does not mandate the reduction of anything. It has an option. It says we will save a billion from spending American dollars in Western Europe, but the money can come from one of two ways. One way is for the Western Europeans to give us an additional billion dollars. As the gentleman from Connecticut says, they give us a pittance now. Western Europeans tell us they feel very insecure and need American troops. So we say, "Okay. You give a billion dollars," not a lot of money for an entity larger, wealthier in total than us, "give the American taxpayers a billion dollars and we will leave the troops there." Do you know

what they are going to say? All of a sudden they will not feel so unsafe. All of a sudden they will not need the troops.

This does not produce ammunition, this does not even mandate pulling troops out. It does, if they do not want them. If the Western Europeans are not willing to pay even less than the Japanese pay for those troops to defend them against absolutely nothing—but then that is stupid. You ask them if they want them there. And of course they do. Why should they not want American troops spending American tax dollars, stimulating their economies?

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. No.

The fact is that we are subsidizing the economies of Western Europe. We simply say in this amendment, "If you want the current troop presence, if you feel unsafe, give us a billion dollars; if not, we will reduce our troops or equipment, troops or equipment."

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. No.

We will bring some home—the fact is the gentleman does not want to hear this argument, I understand that. The gentleman simply wants to harass me because he does not think that the accurate argument will work well.

□ 1440

The fact is that the representation was inaccurate. This simply says if Europe is not going to give us another billion dollars, we will reduce it by a billion dollars worth.

It is more moderate than the Bryant amendment. It is the only way to help the American taxpayer.

The CHAIRMAN pro tempore (Mr. REYNOLDS). The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 12, as follows:

[Roll No. 420]

AYES—210

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Coyne
Crane
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Horn
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Leach
Lehman
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Slaughter
Snowe
Stark
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOES—216

Ackerman
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Coppersmith
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Flake
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Johnson (GA)
Johnson, Sam
Kasich
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Laughlin
Lazio
Levin
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rowland
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Valentine
Visclosky
Walker
Walsh
Weldon
Wilson
Wolf
Young (FL)
Zeliff

NOT VOTING—12

Boucher
Conyers
Faleomavaega (AS)
Hoke
Hyde
McDermott
Neal (NC)
Stokes
Vucanovich
Whitten
Yates
Young (AK)

□ 1500

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. TAYLOR of Mississippi changed his vote from "aye" to "no."

Mr. BARCIA of Michigan changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ECONOMIC CONVERSION

The CHAIRMAN pro tempore (Mr. REYNOLDS). It is now in order to debate the subject matter of economic conversion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, we now enter the general debate on one of the most important areas I think this country faces, and that is the area of conversion.

Mr. Chairman, I am very pleased to start by yielding 2 minutes to the gentleman from California [Mr. DELLUMS], the very distinguished chairman of the Committee on Armed Services, who is the one that has had the greatest vision of all and been a terrific leader on this issue.

Mr. DELLUMS. Mr. Chairman, I rise in support of the defense conversion

title of H.R. 2401, Department of Defense Authorization Act for Fiscal Year 1994.

Our efforts in crafting the defense conversion title in this year's bill is, I hope, a first step in support of the President in establishing a truly national economic conversion strategy. For too long, we have relied upon military technology and industrial production to keep our Nation on the cutting edge of technology. While military security is vital, we must now turn to the broader task of economic security demanded both at home and in the global marketplace. In pursuit of this economic security we have neither a person nor any resource, including those of DOD, to waste.

However, despite the economic threat that looms before us as a nation, it is interesting that there are some in this body who still sincerely believe that defense conversion cannot work and should not be vigorously pursued as part of a larger national economic strategy to lift all of our people toward a higher standard of living. I want to commend our distinguished friend and colleague, Congresswoman SCHROEDER, for her leadership and diligence in her work in support of defense conversion. Importantly, I want to thank all of the chairs of the committees with whom we worked to make certain that we could put the defense conversion title in the committee bill.

Mr. Chairman, the case for defense economic conversion is compelling. It is not a social experiment with defense resources. It is an economic security necessity. Defense conversion now describes a larger and more ambitious process involving the redeployment of human and technology resources to strengthen our Nation economically in the larger process of economic conversion. It involves support for the diversification of defense contractors so they can remain economically viable. It now requires the integration of civilian and military industrial bases so DOD can obtain quality products made in this country at affordable prices so our defense needs are met in the future. In short, Mr. Chairman, defense conversion is no longer an option; it is an essential part of overall national economic strategy now and in the future.

Mr. Chairman, time permitting, I could go on. As I have said in the past defense conversion is an issue in which there are as yet probably no real experts. However, I hope all of us can begin and continue to work together in the future to make certain the benefits of defense economic conversion are shared by all Americans. I urge strong support of the committee's defense conversion title and amendments to strengthen the defense conversion program.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished ranking Republican.

Mr. SPENCE. Mr. Chairman, rising out of the political and economic turmoil caused by the defense drawdown, defense conversion has emerged for some as the political solution of choice to the many problems caused by continuing defense reductions.

The rush to embrace defense conversion as a viable solution over the past few years has been remarkable both for its level of enthusiasm as well as for the lack of hard information and study on whether it will ever work.

More than a year after Congress gave birth to the current conversion program, it remains an unfocused and ill-defined concept that regularly changes shape, size, and characteristics as political requirements dictate.

This lack of a coherent definition of defense conversion stems from the fact that it has come to mean too many things to too many people. For some, it is the means to turn swords into plowshares, literally converting defense capabilities to civilian, commercial uses.

For others, it is an opportunity to leverage defense dollars to promote civilian, nondefense objectives, such as spending defense dollars on commercial technology and education programs with little or no return on investment for the Department of Defense.

Others, myself included, believe that any meaningful conversion program should focus on ensuring the preservation of key defense industrial and technology capabilities during this post-cold war drawdown.

The program currently called conversion was developed by Congress during last year's election-year defense debate. No consensus was developed around a definition of what conversion was or should be. For some members, many ongoing defense technology programs somehow fit a liberal definition of conversion and were labelled accordingly.

Others dreamed up new programs to assist workers and communities or to encourage defense companies to develop dual-use technologies. Still others sought to transfer defense dollars to non-defense civilian agencies to pay for job retraining and economic development.

The result was today's grab-bag of unfocused conversion programs covering the spectrum from job retraining to health care, from community assistance to dual-use technologies.

In fact, the only comprehensive review of the conversion program to date, conducted by the congressionally-mandated Defense Conversion Commission, was highly critical of the current conversion program, characterizing it as fragmented and disjointed, stating that it failed to address key conversion problems and included many projects that had little or nothing to do with conversion.

According to the General Accounting Office, whom I have tasked to track defense conversion spending, as of last month, not even 25 percent of the $1.7 billion appropriated for last year's conversion program had been spent; and more than half of what has been spent was for pre-existing technology programs which the Congress recategorized as conversion.

Even funds appropriated for defense conversion in fiscal year 1991 remain unobligated.

Despite this slow rate of spending, and despite dwindling defense budgets, the Armed Services Committee added nearly $800 million to the administration's already generous $2.2 billion 1994 defense conversion request.

Ironically, the only real constant in the evolving defense conversion debate involves the practice of taking money from the defense budget and using it to attempt to salve the wounds created by reductions in that same defense budget—it becomes a self-fulfilling prophecy as the more defense money we spend on conversion, the greater the turmoil and disruption and therefore, the greater the need for even more conversion spending.

After watching this closely for several years, I have come to the conclusion that the worst possible response to the economic challenges posed by the defense drawdown is to engage in a reallocation of dwindling defense dollars for thinly disguised conversion programs.

Instead, I believe we should carefully manage defense resources in order to retain an efficient and responsive defense industrial sector able to meet future national security needs while incorporating the more efficient management practices of the civilian sector.

While many self-proclaimed conversion experts dismiss the views of the defense industry with disdain, you do not have to scratch very deep to discover profound skepticism among defense industry professionals over the viability, worth and goals of the current conversion approach.

Industry is asking for government assistance, but not in the form of large appropriations for new-age dual-use technologies. Rather, they are asking for a slower, more predictable, and more manageable defense drawdown as a way of minimizing job loss, preserving financial viability and allowing an orderly contraction of the defense production base.

For instance, there is a pressing need for sweeping reform of the defense acquisition process. In addition, other legal changes must be examined in the areas of antitrust, investment tax credits, and harmonization of international standards and export promotion, among others.

Unlike the current conversion program, these kinds of initiatives would not drain dwindling defense dollars

away from military readiness and needed investment in defense capabilities. However, they would keep more defense workers employed and directly address the need to preserve vital defense industrial base capabilities.

This is the kind of readjustment that this Congress should recommend. While we must be sensitive to, and where prudent, provide for the needs of workers, firms, and communities being affected by the severe defense cuts we are implementing, it cannot be done at the expense of the defense sector that is the backbone of America's still second-to-none military forces in a changing and increasingly turbulent world.

The rule makes in order three amendments dealing with the conversion issue.

The first amendment, originally filed under my name, will be offered by my friend and colleague on the Armed Services Committee, Mr. HANSEN. This amendment would fully fund the Office of Economic Adjustment, the DOD agency responsible for providing help to communities impacted by base or plant closures.

In short, the Hansen amendment will make sure that in the effort to help out those communities most severely impacted, we don't steal money from the rest of the 50 plus communities also hurting from base closures. This is a fairly straightforward amendment that deserves the support of the House.

The second amendment, offered by Mr. ANDREWS, prohibits the use of defense conversion money to provide loan guarantees to companies wishing to export defense products. This amendment was offered and defeated in committee by a significant bipartisan majority. I voted against it then and plan to oppose it now, for I believe that we must actively consider ways to assist our defense industry to compete in the international marketplace.

The Andrews amendment continues to have technical problems—it misses the target it intends to hit since there are no conversion moneys being used for export financing. But more importantly, it moves in the wrong direction tin terms of adopting government policies to protect jobs and capabilities in one of the most vital sectors of our economy.

Finally, Mr. WALKER will offer an amendment that I strongly support dealing with the Technology Reinvestment Program or TRP. The bill before the House makes a very important change to current law that requires that projects competing for TRP dollars have a direct national security benefit. This statutory requirement makes perfect sense; defense dollars ought be used for defense purposes and strengthen the defense industrial base.

The Walker amendment would maintain existing law by eliminating provisions in H.R. 2401 that weaken this requirement.

Finally, the Walker amendment eliminates the $300 million add to the administration's request for the TRP, leaving a more than adequate $275 million to fund this unproven program for next year.

Mr. Chairman, I urge my colleagues to support the Hansen and Walker amendments and to oppose the Andrews amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], a distinguished member of the Committee on Armed Services.

Ms. FURSE. Mr. Chairman, I have long worked to see that defense conversion becomes a reality in this country, and as a freshman on the Committee on Armed Services, I am so excited to be working on real defense conversion.

Mr. Chairman, it is for that reason I rise in support of the Andrews-Kasich amendment to make sure limited conversion dollars are used for real economic conversion, and not to subsidize foreign arms sales. The people of this country want real conversion, and my constituents know the difference between arms sales and conversion.

Mr. Chairman, the United States is already the world's No. 1 arms dealer. We need to develop our manufacturing base. We need to develop our electronics industry. We need to become competitive in environmental technology. But we do not need to sell more arms.

Mr. Chairman, it is because of this that I urge Members to support the Andrews-Kasich amendment to ensure that we do all we can to diversify our industrial base and to make America become truly globally competitive.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], a distinguished member of the committee.

Mr. BATEMAN. Mr. Chairman, first let me join in the remarks made by the distinguished ranking member of the committee, with which I generally concur. But I especially want to take this opportunity to thank the gentleman from California [Mr. DELLUMS], the chairman of our committee, and the gentleman from Massachusetts [Mr. STUDDS], the chairman of the Committee on Merchant Marine and Fisheries, for their support and cooperation in including in the bill the national shipbuilding initiative. Without their leadership and the joint bipartisan efforts of the Committee on Armed Services and the Committee on Merchant Marine and Fisheries, on each of which I serve, we would very likely be ruling out any hope of building commercial vessels in U.S. shipyards ever again.

I would also be remiss if I did not thank Chairman LIPINSKI and the gentleman from Mississippi [Mr. TAYLOR] for their persistence and dedication in this effort.

Mr. Chairman, I am particularly pleased to see that we have expanded the Title XI Loan Guarantee Program to vessels built for export. Demand is projected to almost double for this segment of the market by the year 2000. Changes in H.R. 2401 assure us the opportunity to participate in this lucrative market.

The media in recent days reported that the Export-Import Bank gave preliminary approval to $4.8 billion in loan guarantees to McDonnell Douglas and Boeing for sale of airliners to Saudi Arabia.

□ 1510

The title XI provisions in this bill will now allow the same type of access to world markets that Boeing and McDonnell Douglas have for our shipyards.

Finally, under the Credit Reform Act, the $200 million authorized in H.R. 2401 will actually result in over $2 billion in new ship construction. In this period of fiscal restraint, one would be hard pressed to find a more efficient use of Federal funds.

While there is a reasonable concern about elements of the economic conversion provisions in the bill, the Shipbuilding Loan Guarantee program is entirely supportable as it will help guarantee domestic shipbuilding survival as a national security requirement and will reduce the level of unemployment in shipyards as naval shipbuilding programs decline.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise today in strong support of the Andrews amendment. Let me begin by clarifying an important definition for my colleagues and the defense industry.

If you look in your dictionary, conversion is defined as the act of changing from one form or function to another. Therefore, defense conversion is to change from the defense industry to another industry—such as one defense contractor's idea to transform MX missile systems into nutritional planning for hospital patients, or turning a machine shop at a closing naval shipyard into a manufacturing plant for car engines.

Mr. Chairman, I understand the meaning of conversion as do my constituents as they await the largest civilian job loss of the 1993 military bases slated for closure when Mare Island Naval Shipyard closes, eliminating over 5,500 direct civilian jobs in the next 2½ years.

Let me lay before you and my colleagues another fact. About 60 percent of the world's arms sales to the Third World are by U.S. companies. Clearly, in spite of any competition with government-subsidized European arms manufacturers, United States companies are managing to sell more weapons than the rest of the arms-exporting

nations combined. Furthermore, our Government has a military foreign aid program whose annual average funding of $3 billion is largely used to finance U.S. foreign arms sales. We do subsidize the export of arms by U.S. weapons manufacturers. The market for foreign weapons sales exists without loan guarantees by the American taxpayer.

I am truly outraged by the audacity of some of my colleagues and defense industry giants who suggest that our scarce defense coversion dollars should be used to promote arms sales overseas. Promotion foreign arms sales is not conversion, pure and simple. Just because you call it conversion doesn't make it so.

Mr. Chairman, my constituents in Vallejo, CA, will certainly experience a disaster over the next 2 years as unemployment climbs to more than 30 percent when Mare Island Naval Shipyard closes. Should they be allowed to apply for disaster relief funds? No. Disaster relief funds are intended for victims of natural disasters and my constituents would not dream, no matter how desperate they become, of taking scarce dollars away from the flood victims in the Midwest or Hurricane Andrew victims in Florida. Surely it is no more appropriate for companies such as McDonnell Douglas and General Dynamics to take conversion funds to promote overseas arms sales.

This is a most egregious offense to the sensibility of Americans. If my constituents understand and respect the intent of the multitudes of Government assistance programs and the conversion funds for which they may apply, surely McDonnell Douglas and General Dynamics can. We must not let these companies continue to insult our intelligence by claiming that changing the recipient of the arms they manufacture represents a form of defense conversion.

I do not know how any of my colleagues can explain to their constituents why funding intended to lessen the impact of our country's downsizing—downsizing made possible by the end of the cold war—is being used to promote arms sales. Perhaps they are thinking that if we sell enough arms overseas, we will not need to downsize our military at all. Perhaps McDonnell Douglas and General Dynamics believe that the world should have more Bosnias and Somalias.

Mr. Chairman, my constituents would disagree, and so do I.

I strongly urge my colleagues to vote for the Andrews amendment.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the distinguished ranking Republican member of the Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALKER], the deputy whip and a leader on conversion and technology efforts.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to talk briefly about an amendment that I will be offering at the appropriate time later on. That is an amendment to remove $300 million of spending that was put in by the committee in the TRP effort, an amount of money that is well over what the President requested.

My particular amendment will be aimed at bringing the spending back down to the President's request of $275 million in this area. The fact is that this particular money that was added in in committee is going to end up, I think, being put into areas where we already are getting indications of some waste, fraud, and abuse.

Under the provisions that are going to be brought forward on this amendment, a large share of the money is going to be transferred to the Commerce Department for inclusion in their extension programs. One of these Commerce Department industrial grant programs is the advanced technology program.

On September 3, the General Accounting Office reported that 16 of the advanced technology program grantees had indirect costs over 100 percent and that 4 had rates over 200 percent going as high as 250 percent.

What does that mean? That means that in these cases in the industrial technology grants they are going for overhead, for administration costs, for facilities, and heaven knows what else. What is not being done is it is not paying for technology.

And if this money is to be aimed at technology, we are not going to get the bang for the buck in the programs to which this money is going to be transferred. So my suggestion is this, we take the $300 million out of the TRP program and keep it available for some of the other areas for economic conversion such as community assistance and personnel assistance and a number of other places where we can be assured that the money will be better used.

I can assure the House that the $300 million that is in the program right now that I will seek to remove will be wasted if it is kept there.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maine [Mr. ANDREWS], a member of the committee, who will later offer an amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, at the end of the cold war there was a tremendous amount of excitement and enthusiasm about what that might mean to the planet and to the United States. The Third World nations would be able to use their resources in dealing with the problems that they are facing, economic and famine problems, and the loss of hope and that we at home could start using our industrial base and our workforce to build those products and services that we need to build in order to rebuild the economy as opposed to weapons of the cold war.

Since the post-cold-war era is upon us, we have begun to learn some lessons. Secretary Aspin has told us that in the post-cold-war era, one of the greatest challenges that we face as a country is the regional conflicts that exist around the world in regions where there is tension generated from religious, cultural or nationalistic conflicts.

We also know that conventional arms races around this planet are fueling these flames and creating tremendous problems around those regions.

We have also learned that since the end of Desert Storm, Mr. Chairman, the United States has become the largest exporter of arms on the planet. We sell more arms to the Third World than all other nations in this world combined. This is all supported by billions of tax dollars through our military aid programs, research and development dollars, financing and loan guarantees.

We also know, Mr. Chairman, that in Desert Storm, and in Somalia, and Panama, the young Americans that we sent into harm's way found themselves looking down the barrel of American weapons and American weapons technology.

I think, clearly, Mr. Chairman, these facts point to the reality that we have got to stop and look at the direction that we are heading in this country and reassess the policies that are fueling this conventional arms race and sending our young men and women into harm's way facing our own weapons. At the very least, I am proposing today an amendment, along with the gentleman from Ohio [Mr. KASICH], that says that while we look at and debate this issue, let us recognize that the administration's commitment to defense conversion has been met with some proposals that we take a portion of that defense conversion money and use it to finance and support even more foreign arms sales to these countries.

What our amendment does, clearly and very simply, is to say, defense conversion is not foreign arms sales. Specifically and clearly, Mr. Chairman, this amendment before us today, later on this afternoon, will clearly say that financial assistance, underwriting for foreign arms sales is not defense conversion.

We need every penny of that conversion money to go to help businesses and industries and communities and workers to build the things that this economy needs in this country, not to continue to fuel this conventional arms race which is destroying our planet and injuring our young people.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to our own top gun expert, the gentleman from California [Mr. CUNNINGHAM], a distinguished member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, we have a strange dichotomy in this country that we laud the men and women that fight our wars. Then we cut below the critical readiness level and, when we fight the next level, men and women die because of it.

Let me give Members the good, the bad, and the ugly of this. California's 52 Members, led by the gentleman from California [Mr. EDWARDS] and the gentleman from California [Mr. MOORHEAD], and progressive industry, are working together in a bipartisan measure to support defense conversion.

The bad of it, under the 1990 defense cut, 30 percent, which equated to $50 billion, cost California half-a-million jobs. The Clinton tax package cut an additional $127 billion, which will cost us 2 million jobs.

Defense conversion will not compute to one-thousandth of these job losses.

California took the lion's share of base closure. Two female Members of the other body said, "Don't close our bases in California," that are supporting this also voted to cut defense $127 billion.

□ 1520

California's 9 percent unemployment, some of the defense cuts that will cost 2 million jobs, Federal mandates, the Clinton tax plan that takes $40 billion out of banking regulations, that shuts down banks, Federal mandates that support illegal immigration services, are all counterproductive to this measure.

We need to support the items in conversion. However, it will not keep up with the job losses. Amounts such as a bridge system used by stealth technology and composite materials to strengthen our bridges, that is good. New highway systems, that is good, out of conversion, and a lot of others, but it will never keep up with the job losses.

The liberals think this is a good way to say, "Hey, let us cut defense and make it okay with conversion." It is not going to sell, and this dog does not hunt.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am pleased to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I was really pleased to hear the gentleman come out in favor of the bridge project and some of the uses of the composites. I know it is around his district in that area where that leadership is going.

I think the gentleman is absolutely right that it is not going to totally replace, one-for-one, the jobs, but it is important that we advance it.

Mr. CUNNINGHAM. I agree with the gentlewoman.

Mrs. SCHROEDER. Mr. Chairman, would the Chair state how much time remains on each side?

The CHAIRMAN pro tempore (Mr. REYNOLDS). The gentlewoman from Colorado [Mrs. SCHROEDER] has 8 minutes remaining, and the gentleman from Pennsylvania [Mr. WELDON] has 7 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the defense conversion portion of this bill.

The end of the cold war is a welcome event, not only for the lack of threat that emanates from overseas, but also because it gives us an opportunity to refocus our energies here in the United States. For decades upon decades, we have spent, and sometimes squandered, trillions and trillions of dollars building a war machine unparalleled in human history.

Now is the time to face our enemies within: A stagnant economy, a declining standard of living, poverty, homelessness, environmental degradation. These are all things that contribute to national insecurity.

The defense conversion portion of this bill addresses many of these problems, by attempting to move our industrial economy from defense-based to civilian-based. It also aims to ensure that communities, like those in my district that will be affected by the closure of Mare Island Naval Shipyard, have adequate resources to rebuild the economic base of their communities. In 3 years Mare Island will lock its gates as a military facility; however, with the proper assistance it will begin a new incarnation. The Federal Government has a responsibility not to simply abandon people who have given their lives to public service.

In this bill, funding for the Office of Economic Adjustment, the front-line agency for initial planning grants that help communities begin the conversion process, is greatly increased. Grants are established for higher education to retrain and educate laid-off workers, so that they may begin to move toward a successful life in the private sector. The National Shipbuilding Initiative aims to revitalize the sagging commercial shipbuilding industry in the United States.

Each of these components is part of a vision for the post-cold war United States. We must move forward from the mentality which has crippled our industrial base, which has kept us from addressing the many pressing national security problems within our borders. The global economy rewards innovation over stagnation and a dynamic economic base, not one that is dominated by the military-industrial complex.

Mr. WELDON. Mr. Chairman. I yield myself 3 minutes.

Mr. Chairman, I rise first of all to commend the gentlewoman from Colorado for her leadership on the issue of defense conversion. Having been asked by our Republican ranking member to chair the conversion effort in the committee, I had the pleasure of working with her. In fact, we made some significant contributions during the debate in the full committee and in the subcommittee on conversion issues.

For instance, we deleted unnecessary bureaucracies now required by law. We added a stringent reporting requirement on the efficacy of the host of programs funded through defense conversion, and we offered significant reform in the way DOD acquires commercial products. These are items that are a meager beginning, a modest beginning, but are things that the defense community have told us could best help them, better utilize our limited defense dollars.

I want to bring up some cautions now and raise some red flags. What concerns me is that we are using defense conversion as the Santa Clause to give away all the goodies to Members who perhaps are going to lose defense installations. Let me cite some facts and numbers for my colleagues who may be back in their offices right now.

According to both the Office of Technology Assessment and the Congressional Budget Office, in studies we requested in a bipartisan manner earlier this year, if the Clinton defense cuts are implemented over the next 5 years and we cut defense by $128 billion, we can talk about defense conversion all we want, but here are the hard numbers.

Today there are 5.5 million Americans who work for the Pentagon or who work in defense-related jobs. OTA and CBO estimate that under the current guideline proposals for defense spending, 2.8 million men and women will lose their jobs. So it is nice to hear all these proposals about new technologies, but let us talk about those 2.8 million American men and women who are right now looking to the unemployment line as General Dynamics and Martin Marietta and all the other major defense contractors are in the midst of downsizing, because we are trying in this body and in this administration to cut defense spending so rapidly.

In terms of conversion, I also want to mention a point that was raised by our distinguished Republican ranking member. That is that GAO estimates as recently as a month ago that 25 percent of the funds that were appropriated last year have been obligated, and 75 percent of those dollars are still unobligated. So here we are taking a conversion package that actually increases substantially the amount of money that the President requests. Actually in the TRP program we are going to add, if we follow through on this bill, $300 million above and beyond what the President has asked for the TRP program, when in fact we have

only spent 25 percent of the money that we appropriated last year.

A third point I want to mention, we have been told that the TRP program is really going to be so successful because we had over 2,000 applications, and some of those applications, by the way, I supported.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. WELDON. Mr. Chairman. I reserve the balance of my time, and I will make some additional points after other Members have had a chance to speak.

Mrs. SCHROEDER. Mr. Chairman. I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN], a member of the committee.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Andrews-Kasich amendment to prohibit the use of defense conversion funds to help finance arms sales overseas.

Economic security has been declared an official mission of the Department of Defense. The moral test of our Nation will be in determining how we achieve economic security. In my view, we have go to find ways to strengthen our defense conversion programs to ease the transition to a post-cold war economy. We cannot allow our concerns about jobs to become an excuse to export weapons that feed instability across the globe.

President Clinton has proposed a 5 year $20 billion defense conversion program. The committee authorized over $3 billion in the fiscal year 1994 DOD authorization act to continue the Defense Conversion, Reinvestment and Transition Assistance Act for industry and technology conversion, personnel transition, and community adjustment. We should put that money toward programs that provide jobs making products that improve the quality of life here, not weapons designed to destroy lives and property.

While defense workers will face tricky adjustments as a result of reduced military budgets, I think aggressive conversion to civilian use of defense capacity will create more jobs than continued arms production. We cannot expect to successfully manage the transition unless we make hard choices now.

A decision on the Andrews-Kasich amendment is one of the easier choices we will be faced with. It does not prevent arms sales abroad—it simply bars the use of defense conversion funds to finance arms sales.

The United States has a moral obligation to curb the proliferation of arms sales to the Third World. Join me in supporting the Andrews-Kasich amendment.

Mr. WELDON. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, continuing my discussion of the TRP program, one of the amendments we are going to debate today is going to be the Walker amendment, which takes the TRP funding back to the original request of this President. I want to repeat this for my colleagues, who perhaps are not aware of this. President Clinton asked for $275 million of new money for the TRP program.

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Our committee added $300 million above what President Clinton asked for, even though the GAO says we have only committed 25 percent of the money from last year's bill.

I want to make two points here. The first point is that while we are saying we have a ton of applications that have come in, and that could be argued correctly, ARPA has said publicly that their experience in solicitations is that they generally, and I quote, "are not embarrassed to fund roughly 10 to 15 percent of the proposals." So just because we have 2,800 applications does not necessarily mean we are going to fund anywhere near 2,800 proposals, and in fact if you listen to what the ARPA is saying, probably it is going to be more like 10 percent to 15 percent.

I want to make a second point. We are going to be hearing during the discussion about ARPA and the TRP program today that the corporate community in America is jumping at this. I would ask my colleagues to look very closely at the source of the bulk of the applications coming in for the TRP program. Many of these applications are not coming from corporate America, they are coming from academic institutions, they are coming from nonprofit institutions that see this as a nice way to expand their bureaucracy, and they are not necessarily going to immediately guarantee any new job creation.

The point I want to make is that when we hear this pie in the sky notion that corporate America is jumping at this program because they see tremendous prospects for new job creation, that is really not totally true. A significant amount of these applications are coming from nonprofits, from academic institutions, some of which I would be supportive of.

But I want to make the point that this is not going to be the cure-all solution that perhaps we think it might be.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding. He is indeed a gentleman.

I just wanted to point out that the reason the funding has not been all spent is because of this TRP competition that the gentleman mentioned. And it will be very shortly spent. But we wanted it to be juried, and we wanted it to be looked at, and I am sure that the gentleman would agree with that. So I think that is kind of a phony issue, let us be honest about it.

Mr. WELDON. If I may reclaim my time, I appreciate the gentlewoman's comments about corporate America, but I maintain and repeat that ARPA has said that they are not embarrassed that the only fund 10 percent to 15 percent of the proposals that have given solicitation. It does not take a rocket scientist to multiply 10 percent of the amount of money available.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of the Andrews-Kasich amendment to the defense authorization bill. This worthy amendment, offered by our distinguished colleagues from Maine and Ohio, prohibits the diversion of economic conversion funds to subsidize arms sales abroad.

Mr. Chairman, in the post-cold war era it is absolutely vital that our defense industry be aided in the difficult transition from wartime production to the pursuit of advanced technologies for peaceful purposes. With over 400,000 defense jobs having been eliminated over the past 5 years and America facing the prospect of losing 1 million more defense positions in the near future, the pain, suffering, and anxiety of workers in the defense industry must be stopped.

The picture before us is clear. The only real solution lies in developing new technologies for civilian uses that will create high-paying jobs. It is thus crucial that the defense industry be assisted in the conversion drive to retool for peacetime production.

I find it ludicrous that some would urge we pillage our already meager funds for defense conversion by subsidizing additional arms sales. Even if the proposed level of conversion funding is kept intact, we are nowhere near meeting urgent needs: Barely one-eighth of the worthy conversion proposals submitted to DOD can be funded.

The Andrews-Kasich amendment will stop shortsighted attempts to temporarily bolster the defense industry by raiding conversion funds. Such arms sales financing schemes will only prolong the defense industry's slow death—and ultimately sacrifice the future and rapid development of an important and vitally needed segment of our economy.

Moreover, I have long advocated that the United States should reduce her reliance on arms sales abroad. Last year we sold to the developing nations of the world over $13.6 billion in weapons of death, well over 57 percent of all arms sales to the developing world. How can we legitimately criticize

other countries for arms transfers—for example, China—when our volume of weapons sales in 1992 was 136 times greater than the People's Republic of China? Certainly, our great Nation, if we are to credibly argue for a safer world, can stand to diminish her role as the planet's leading merchant of death.

I urge our colleagues to support the Andrews-Kasich amendment. It will contribute to a stronger America and a safer world.

Mr. WELDON. Mr. Chairman, I yield myself my remaining 1½ minutes.

Mr. Chairman, just in closing out the debate on this issue, I want to go back to the point that Members of both sides feel that there is a need to work with our industrial base to look to find ways that we can use existing technology to create dual commercial jobs, and all of us want to work toward that end. The question is not whether we are for conversion or not, the question is at what rate we are going to spend the money in a tough budget time such as we are having now as the President is proposing to cut defense by $128 billion. Should we be going above and beyond what this President has requested when the GAO has said we have not even spent the money that is already in the pipeline?

Perhaps no one has worked more for dual-use technology than this gentleman along with a number of my colleagues in this body who have fought for the last 4 years to maintain the Osprey program. I support dual-use technology. I support efforts to work with defense contracts to find ways to streamline the acquisition process. But we have to be careful that we do not go overboard, and that this defense conversion misnomer does not become a Santa Claus so that Members of Congress can look to it to take care of special projects and special industries in their districts where they are losing significant jobs because of our defense cutbacks. That is one major concern.

Another major concern in terms of the amendments is the Andrews amendment. I think it is wrongheaded. It does not properly address the concerns of the ability of our contractors to finance the sales of noncombatant technology, for instance helicopters, for instance the V-22 which the Japanese and the Europeans want to buy, for those items that perhaps our defense companies make that they in fact would like to import.

So I would ask my colleagues to listen intently to the pros and cons in this discussion on the Andrews-Kasich amendment, as it is being called, because I think there are potentially serious flaws with that amendment. And I think we ought to go back and rethink that whole issue.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we will now consider three very important amendments on the issue of defense economic conversion. Before discussing these amendments and as chairwoman of the Subcommittee on Research and Technology, which has jurisdiction over defense conversion, I want briefly to review the defense conversion title of the fiscal year 1994 DOD authorization bill.

As my colleagues know, the House Armed Services Committee sought to build upon the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 and President Clinton's announced defense conversion initiative of March 11 of this year.

To this end, we have authorized $2.735 billion in our committee's bill together with enhanced and new defense economic conversion and reinvestment initiatives. In the technology area, those emphasizing defense conversion and reinvestment are:

TECHNOLOGY REINVESTMENT PROJECT

Allocated $575 million for continuation of the President's technology reinvestment project [TRP]. This is still not as much as the $605 million authorized last year. We have authorized this program to require cost sharing from the private sector and require awards be made on competitive basis.

Despite adding $300 million to the administration's request, this program is still, in my view, underfunded. This year's TRP authorization represents roughly only one-quarter of 1 percent of the entire DOD budget. Still, almost 3,000 proposals from thousands of participants have been received for nearly $9 billion in Government-shared funding.

This avalanche of interest in the TRP sends an unmistakable signal: Defense conversion is an idea whose time has come. We can no longer neglect our economic security if we are to remain strong militarily. And we cannot remain strong militarily unless we utilize our total national technology base, including DOD's share, as a launching pad for the growth industries of the future in such areas as communications, environmental clean-up, shipbuilding, aerospace, advanced materials, cost-cutting medical technologies, and other areas vital to economic security. This is what the committee's bill seeks to accomplish.

NATIONAL SHIPBUILDING INITIATIVE

In addition to the TRP we have provided $300 million for a national shipbuilding initiative contained in the bill will hopefully revive an industrial sector to make us competitive in the world again to build commercial ships in U.S. shipyards in an environmentally compliant way; $200 million is provided in loan guarantees and $100 million in R&D funding in coordination with the technology reinvestment project.

PERSONNEL RETRAINING INITIATIVES

The committee bill also contains continued authority and new, bipartisan initiatives to reemploy discharged military personnel and defense workers in the areas of teaching, law enforcement, health care, and environmental cleanup. We urgently need to redeploy the talents of those who won the cold war and Desert Storm to fight and win the global economic battles of today and tomorrow. It is important to understand that these initiatives provide a path to real employment in occupations where there are local shortages.

COMMUNITY ASSISTANCE

The committee bill recognizes the funding shortfall facing the agencies of the Department of Defense working to assist communities bearing the brunt of base closings and defense reductions. Accordingly, we have increased the funding request for the Pentagon's Office of Economic Adjustment by $40 million to $69 million and targeted this assistance to those communities especially hard hit by the latest round of base closings and defense spending reductions. Such efforts complements the activities of the Economic Development Administration of U.S. Department of Commerce in providing economic adjustment planning and implementation assistance.

DEFENSE CONVERSION AMENDMENTS

Very shortly, we will have the opportunity to reaffirm the committee's position on providing appropriate levels of defense conversion assistance to provide stimulus and hope to those sectors and workers of our Nation impacted by defense cuts. Unfortunately, two of the amendments before us would have the effect of undercutting a promising defense conversion program when it is most desperately needed.

OPPOSE THE WALKER AMENDMENT

One amendment in this area proposed by Mr. WALKER of Pennsylvania would reduce funding for the technology reinvestment project by $300 million. Adoption of this amendment will impede our efforts to fund the quality TRP proposals. It will also scale back our ability to facilitate defense conversion efforts by limiting support for defense conversion to only those objectives which enhance only the military. This misapprehends the connection between economic and military security. In short, it is a killer amendment which should be resoundingly defeated.

But the Walker amendment would do more than simply stymie defense conversion efforts. Reducing funds for the TRP will only invite foreign companies to commercialize the quality developmental projects being received by the TRP. In so doing, we will return to the treadmill we have been on where our foreign competitors commercialize U.S. technology and sell it back to us at the cost of lost jobs and lower wages. We must not allow this to happen. Vote down the Walker amendment.

OPPOSE THE SPENCE AMENDMENT

A second amendment will be offered to reduce funding for TRP projects by

$40 million. This amendment proposed by Mr. SPENCE of South Carolina would also increase funding for the Pentagon's Office of Economic Adjustment by $40 million. As I have pointed out, the committee bill already increases OEA funding by $40 million.

While the Spence amendment is well-intentioned, I must respectfully suggest it has the adverse, unintended consequences of reducing support for defense conversion programs specifically provided for small- and medium-sized businesses. This is because the manner in which the committee has funded the defense dual-use assistance extension programs. We have proposed that not less than 30 percent of the $50 million provided for this program be provided to facilitate computer resource assistance to small businesses for networking to find alternative markets, partners. This program which has been pioneered by the State of Minnesota with the support of the House Small Business Committee with very impressive results.

A second adverse consequence of the Spence amendment would be its reduction of our ability to provide loan guarantees to small- and medium-sized businesses wanting to capitalize nondefense markets. Again, we provided 30 percent of the $50 million in support of the loan guarantee defense diversification program sponsored by our colleague Mr. HOCHBRUECKNER from New York.

I urge my colleagues to reject the Spence amendment since it would reduce our ability to support proven programs to help small and medium businesses cope with reduction in defense spending.

SUPPORT THE ANDREWS/KASICH AMENDMENT

A third amendment being made in order is the amendment proposed by Mr. ANDREWS of Maine and Mr. KASICH of Ohio to prohibit the use of defense conversion funds from financing arms sales abroad. Clearly, arms sales are not defense conversion. Importantly, this amendment is consistent with administration policy which is to rule out the financing of such sales from the $20 billion multiyear defense conversion budget. Importantly, this amendment has been modified to restrict this prohibition to financing arms exports and permits a waiver in the case of an item developed with defense funding being used for civilian end-use. An example here could be the V-22 tilt-rotor aircraft for short-haul civilian aviation use.

At the same time, it may be important to examine the suitability of efficacy of Government-backed loan guarantees for defense exports as one of the several tools to help defense contractors remain viable as U.S. military needs decline. The Andrews-Kasich amendment allows such an examination to occur without diverting defense conversion funding to unrelated purposes. And such an examination will have to include whether such mechanisms unwittingly make U.S. defense firms dangerously dependent on foreign weapons sales; contribute to regional instability and conflict; reduce U.S. employment because of so-called offset agreements which require transfer of jobs as a condition of the sale; or impede our larger international trade strategy of which defense trade should be only one aspect in the post-cold war era. I urge my colleagues to support the Andrews-Kasich amendment.

Mr. Chairman, we have an opportunity to enhance our defense conversion program by taking the appropriate action on the amendments before us. I hope my colleagues will follow the recommendations of our committee and vote accordingly.

Mr. WELDON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, is it not true that a proposal could also put up in-kind services?

Mrs. SCHROEDER. Of course it could put up in-kind services, but a very high percentage of them have put up cash, cash, which is more than the amount that we have got funded even with our $300 million add-on. The tragedy is that we cannot do it even faster.

The CHAIRMAN pro tempore (Mr. REYNOLDS). All time for general debate on this issue has expired.

It is now in order to consider amendment No. 1 in part 4 of House Report 103-223.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, as the designee of the gentleman from South Carolina [Mr. SPENCE], I offer an amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. HANSEN:

After section 1303 of the bill, insert the following new section:

SEC. 1304. ALTERATIONS IN FUNDING FOR DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) COUMMUNITY ADJUSTMENT AND DIVERSIFICATION.—The amount provided in section 1321(a) (relating to community adjustment and diversification assistance) is hereby increased by $40,000,000.

(b) OFF-SETTING REDUCTIONS.—The amount specified in the matter preceding the paragraphs in section 1311 for activities of the Department of Defense under chapter 148 of title, 10, United States Code, and section 2197 of such title is hereby reduced by $40,000,000, of which—

(1) 50 percent of such reduction is hereby achieved by reducing the funding for the manufacturing extension program, as provided in paragraph (5) of section 1311, by $20,000,000; and

(2) 50 percent of such reduction is hereby achieved by reducing the funding for the defense dual-use extension program, as provided in paragraph (6) of such section, by $20,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes, and a Member opposed, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a little problem regarding the chairman's mark. As we all know, base closures are adversely impacting many communities across the Nation. People are losing their jobs, people are having different kinds of problems.

But I want to talk about the chairman's mark where there is apparent inconsistency, and I hope we all think this through. In the chairman's mark we are going to take $69 million, and we are going to distribute it to 64 communities.

On July 2 of 1993 the President of the United States, Mr. Clinton, said a minimum to go to each community would be $1 million. Also in the chairman's mark it picks up on eight of these communities that would receive a designation of catastrophic.

□ 1540

These catastrophic folks are even going to get $6 million right off the top. Let us do some simple math: $48 million is taken care of, of the $69 million. Now you have 56 other communities. How can they possibly get the $1 million that President Clinton said they should get? There is no way in the world that they can. Of those eight communities—San Diego, Sacramento, San Francisco, Oakland, Charleston, Dallas-Fort Worth, upstate New York, and Philadelphia—there is absolutely no question that they are meritorious and they deserve the money; nobody would argue with that. These communities should have the money. But how do we ever figure out this basic math?

All this amendment does is it adds $40 million out of this ARPA money that we have been talking about, puts it back in so that these communities can receive the money given to them. Now, that is simply, Mr. Chairman—what this amounts to, fairness, equity, that we should come up to to take care of that. No one is arguing about the eight communities.

There is no way that this thing is structured now, the chairman's mark, that we can take care of the obligation we gave these people.

Now, you can say what is this? This is strictly a matter of prioritizing, that those little communities wherever they may be, in Tooele, Utah, or Colorado or Wyoming, that they can at least get

that million dollars so that the office of economic group can take care of them and somewhat alleviate the pain that we are talking about in this particular problem of base closing. It is just a matter of fairness. I do not see why there should be any question on it.

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOCHBRUECKNER], a distinguished member of the committee.

Mr. HOCHBRUECKNER. I thank the gentlewoman for yielding this time to me.

Let me speak to my colleagues and to the Nation as an engineer, and as someone who comes from the defense community, who worked for over 20 years on some very important technology that has in fact helped us to be the No. 1 Nation on this Earth militarily, and certainly I was pleased to spend my time doing that.

Let me share my remarks as an engineer: Certainly we won the cold war, and we should rejoice in that. The probability of a nuclear war today is zero. But clearly we need to maintain strong conventional capability to meet the challenges that do and will continue to exist around the world.

Since 1985, defense spending has been coming down and will continue to decline into the future. Clearly, we must do our best to help those people, the people from the aerospace community, who have in fact won the cold war. We should not throw them out. We should maintain them, and we should help them and support them in transitioning into commercial products and certainly do our best to maintain an industrial base so that in the future, as we need weapons systems, these people are available.

How do we do that? The conversion, dual-use program is the way to go. It creates jobs.

If, for example, we needed a widget for the Air Force and we took $10 million and invested it in some company, they would put 100 people to work and in a year they would produce whatever that widget was, and that is fine. What we are talking about here is a conversion program, using the TRP and using the ARPA, we would still take those 100 people, put them to work spending $10 million developing a widget, but the idea is to have a dual use for that widget so that once it is developed, the Air Force is happy but we create hundreds of additional jobs because we now also have a commercial product that we can sell around the world to make us more competitive.

That is what this program is all about.

Certainly, the President in fiscal year 1993, which ends at the end of this month, took $471 million of last year's conversion money and dedicated it to the dual-use program. In this budget that we are working on right now the President asked for $275 million. What we are doing this year with this budget is adding $300 million to that and hopefully more because we do have over $8.4 billion of proposals to produce commercial products to make us more competitive in the world marketplace. And we need to support as many of these programs as possible. So we must oppose any amendment today that would reduce the conversion money.

As it is, with 1993 money and 1994 money, if we do not change it, we are only going to have a little over $1 billion to spend. We had 8.4 billion dollars' worth of proposals. We must support as many of those proposals as is possible because we need dual use. It is the best way to create private sector jobs in this country. It is the best way to put our people to work and the best way to thank our aerospace community for the wonderful job they did winning the cold war and to put them to work building the next generation of commercial products that will make us competitive. And the good part of it is that it also maintains our industrial base should we need them to return to producing needed weapons.

This is a program that makes sense. We ought to put much more money into it, and clearly we must oppose all amendments that would reduce this very important funding so necessary to our future and the future of our military and commercial industrial base.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California, [Mr. CALVERT].

Mr. CALVERT. I thank my colleague, the gentleman from Utah for yielding this time to me.

Mr. Chairman, I rise in support of the Hansen amendment.

It is no secret that my State of California is going through some difficult economic times. We have been hit harder than any other State by a combination of base closures and defense and aerospace industry cutbacks.

Obviously, we cannot expect the Federal Government to solve all of our economic difficulties. It will take time for the private sector to adjust and bounce back. But, the Federal Government can—and should—help ease the pain of transition caused by the closing and realigning of military facilities.

The President has promised that every community adversely affected by the closing or realignment of a military base will be eligible to receive $1 million in Federal funds to help convert the bases to civilian uses.

This is not a lot of money, but it is important to communities such as mine in southern California which already has 13 percent unemployment and must cope with the realignment of March AFB.

Because the President has also proposed to provide a minimum of $6 million in assistance grants to heavily impacted areas, the $1 million for districts such as mine may not be available as promised. By shifting funds from a program which is already adequately funded to the office of economic adjustment, the Hansen amendment will allow my district and others to receive the full funding that the President has promised without adding new burdens on the Nation's taxpayers or increasing the Federal budget deficit.

If we do not pass this amendment, the President will have to find a new source of funding for the OEA or add to the budget deficit. This amendment will allow the President to keep his commitments without adding to our deficit.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

I want to use this time to answer the substantive questions that have come up.

First of all, when this bill came over, there were $29 million put in for OEA and the committee plussed it up to $40 million already. We already more than doubled the administration's request.

So that is point No. 1.

Point No. 2: The President has not asked for more money. He is perfectly aware, and I think everyone is aware, that his statement about impacted communities meant that he would be asking for the money over a period of time, phasing it in as they could best use it rather than lump summing it all right now.

The other reason that I think the President feels so strongly about leaving this $40 million in the TRP Program is for those impacted communities, especially California. That is where a very high percentage of the TRP requests are coming from.

So if you are going to take money out of that account and put it in the OEA account, you are really robbing Peter to pay Paul and, not only that, you are shortchanging the average person in those communities a whole lot more because every dollar that remains in the TRP account must be matched in kind or with hard cash by the person who gets the grant.

□ 1550

Now, the big hope for communities is real jobs, real jobs. I am a little surprised, because on that side of the aisle, we on this side of the aisle usually get attacked for things like the Office of Economic Adjustment saying, "Oh, that is warm fuzzies. You are giving them $1 million, but you are not giving them real jobs," and so forth.

Here is a chance to do real jobs. You have people saying, "We will put up half the money and develop it into the civilian economy and apply this technology."

The gentleman from San Diego, who was speaking earlier, was mentioning all the new ideas coming out of that

area, new ideas on composites, new ideas on how to rebuild the infrastructure to make them earthquake proof, to do all these good things.

So I hope everybody turns this amendment down. It is precisely what the President wants. It is a way to keep both things on line.

Yes, you have to have some money going into those economies, but let me tell you, anyone who thinks getting $1 million for each of those economies is going to solve their problem is wrong. It has got to also have a rebuilding of our manufacturing base in the civilian sector. We all know how hard it is to get cash right now. That is why this program has been so oversubscribed; but the good news is those parts of the country are not brain dead. They have come up with a tremendous amount of ideas, and I think this would be a very shortsighted amendment to pass.

Mr. HANSEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me reiterate, if I may with respect to the chairman's remark, it is quite ambiguous what the President really wanted out of this. We have asked, and I am sure the other side has asked, but the question is, do the people need the million dollars now?

I do not understand how we are ever going to take care of these people who are losing jobs, who do not have the community economic base that they have had all these years, how we can expect them to say, "Well, we're going to push this off for maybe 4 or 5 years." That is not the way I think this has been interpreted.

As you look at this, and you have $60 million, and I appreciate the gentlewoman from Colorado flushing it up to what it is, but at the same time they should have been able to fund it.

It is nice to say we are going to give $69 million and not give it.

So everyone should realize we have nothing at all that we are upset about of these catastrophic designees. These catastrophic designees are each going to get $6 million, no question. We agree with the gentlewoman. They do need the money. They do have to have the opportunity to be taken care of.

But does that mean we just reject everybody else in America?

There are 56 other committees being totally rejected because of this. What about them?

Well, they are just little guys. Let us not worry about them. They will work it out. They will all go broke. They will stand in bread lines. No, let us not buy that.

This would merely take this flush account that was $275 million, flushed up to $300 million, now $575 million, and merely say we are going to take $40 million is all out of that $575 million, which the gentleman from Pennsylvania aptly pointed out has not even used their 1993 money, and help some of these folks out.

What is wrong with that? This is an innocuous type of thing. It is merely a reaccounting. We are just reauthorizing the money. We are not taking money away. This is what the money was intended for, anyway.

So I just say to my friends from these eight big communities that automatically are going to get our $6 million, there is no way on earth we can meet the commitment that the President made to give every community a million dollars, unless we follow this amendment.

We are not trying to hurt anyone. We are just trying to take care of those little small communities which America has a way of overlooking in favor of these fat cats, and I say that very respectfully, I mean those who get the money. Let us take care of some of these other people.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

Let me try to answer some of the things that have come up. There may have been some ambiguity at the beginning of the year when the administration first took over and did not understand the seriousness of all this, but they are very clear now on what their proposals are.

Now, for anyone who wants to call this account of $575 million a fat cat account, let me tell you, there are $9 billion worth of proposals lined up to claim this half a billion dollars that we have in this account, which means we only have one-eighteenth of the money we would need if we tried to fund them all.

I feel a little silly talking to the other side of the aisle about leveraging, but let me tell you, for every one Federal dollar you can spend where you get a dollar put up by the private sector on the other side, that is terrific, so every one of these $575 million must have a dollar committed on the other side, or they do not get it. That is the kind of leveraging that is very real.

When you look at these proposals, you also find they were not the fat cats. The big mega corporations did not want to pay. These were the people who made America great. These are the entrepreneurs, the small businessmen, interesting new partnerships, interesting new joint ventures. It is a very creative group.

And yes, some of them said they would put in kind, but we have had so many put in hard cash, that is probably going to be the first easy cut. They got way more than enough hard cash proposals that they do not even have enough money to fund those.

Now, for each of these communities, and I am sure the gentleman from Utah that I am very concerned about them, because I happen to have one, we have a base closure in my district.

Yes, I want the million dollars. I want job training, I want all of that. But training for what? If we do not start creating new jobs in this society, we have not got anything to train them for.

I have gone to many of these job fairs at bases that are closing, and they are pathetic. People are not allowed to come unless they have real jobs. That should be the ground rule. But when you look at the real jobs they are coming with, it is, "Do you want to work as a burger flipper?" in many instances, and that is very degrading. People want us to rebuild this manufacturing infrastructure. That is why we are trying to do everything we can to try to get our shipbuilding back, our manufacturing back, get all of it back that we possibly can from our investment that we have made in this technology and trying to apply it to the civilian sector.

I tell you, if we do not do it, our allies will do it. They have been doing to us over and over again.

I will bet you that 90 percent of the things in your home and 90 percent of the things in my home started with federally funded military research that someone offshore bought and turned into a job.

So what we are trying to say in these very limited dollars is the best way to spend this money is this matching, creating real jobs, building the infrastructure. It is the vision thing.

I really hope you can join us on it.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank my colleague for yielding this time to me.

I think we hear so much overstating in terms of what the TRP will do, how magnificent this response has been. Let us cite the facts.

Of the $8 billion of requests, the proposals that are in, $5 billion is in kind, $5 billion.

Now, we heard that for every dollar, there was a dollar of private money. Then we hear, well, there was some local in kind match. It is $5 billion to $8 billion. Let us get that straight.

The second point is, once again what ARPA said is that 10 to 15 percent funding is a good number. Let us keep those figures in mind, because they are facts.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I hate to disagree with the gentlewoman from Colorado. I have great admiration for what she has done on defense conversion. I voted with her a number of times today on those issues; but as a Californian and as one who has much to gain from a full budget for the technology reinvestment project [TRP] and many proposals for my particular area that are

going to try to access that funding, I must say on this issue—since this is an authorization bill, not an appropriations bill—I think the Hansen amendment ought to be supported as a simple matter of fairness. There ought to be a guarantee, as the President has suggested, that every community having this type of base closure process affecting its livelihood receive at least $1 million.

If the committee should authorize it, if there is a problem, let the Committee on Appropriations deal with the problem in the phasing of the funding. I would strongly urge a "yes" vote on the Hansen amendment.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentlewoman from Colorado [Mrs. SCHROEDER], and I appreciate her leadership on the committee. But very candidly I say to my colleagues here and those sitting in their offices that we have 64 communities that the President of the United States said would receive at least $1 million. Of course we have empathy for the eight, and they should receive the $6 million, and there is no question. They do not have a corner on all the things that came to my house or the gentlewoman from Colorado's house. Many of these things came from little communities who have the wherewithal and the ability to do it, and have the university and the academic people who have done it.

So, Mr. Chairman, the gentleman from California said it best. This is a question of fairness. It is a question of fairness to the 64 communities who have suffered a devastating economic blow. All we are asking is that we live up to the commitment the President made on July 2 to give a million dollars to the Norman, Oklahoma's, or wherever it may be, and take care of the eight communities at the same time.

So, Mr. Chairman, I say to my friends as they prepare to vote, "All we are doing is taking care of fairness. The money is there, I think we can do it, and I would appreciate your support for this amendment, and I thank the gentlewoman from Colorado for her indulgence."

The CHAIRMAN pro tempore (Mr. DURBIN). The gentlewoman from Colorado [Mrs. SCHROEDER] has 1 minute to close.

Mrs. SCHROEDER. Mr. Chairman, I still do not understand the other side's arguments because we have it both ways, and I say to my colleagues, "Basically, if you vote for this amendment, which I hope you do not, you will be shooting yourself in the foot. There is absolutely no one on this side, including the chairman of this committee, who is in one of those impacted committees, that is going to allow any of those communities to be short-funded. We are going to continue putting money in OEA, and usually that side is attacking us for doing that. So, I am pleased they want to support more, but we have already added $40 million this year to it."

So, Mr. Chairman, we will meet the President's commitment, and he is happy about that, and that is all on target, and let me say to my colleagues, "If you look at these conversion projects that have come in, $5 billion may be in kind, but $4 billion are hard cash, and we only have $575 million to leverage that, so that means that hard cash proposals, to the tune of $3½ billion, will be turned down. If this amendment were to pass, it would be even more."

Mr. Chairman, I hope people vote against this amendment. I really cannot possibly believe that it would be doing anything but harming the long-term conversion potentials for all the areas that are affected and for the future of this country and the investments for the taxpayer.

The CHAIRMAN pro tempore. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HANSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 251, not voting 16, as follows:

[Roll No. 421]

AYES—171

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bevill
Billirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cunningham
Darden
DeLay
Derrick
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
Everett
Ewing
Fields (TX)
Fowler
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Murtha
Myers
Orton
Oxley
Packard
Paxon
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Royce
Saxton
Schaefer
Schiff
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stump
Stupak
Sundquist
Talent
Thomas (WY)
Torkildsen
Upton
Visclosky
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—251

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Grandy
Green
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stark
Stenholm
Strickland
Studds
Swett
Swift

Synar	Towns	Watt
Tanner	Traficant	Waxman
Tauzin	Tucker	Wheat
Taylor (MS)	Underwood (GU)	Whitten
Taylor (NC)	Unsoeld	Williams
Tejeda	Valentine	Wilson
Thompson	Velazquez	Wise
Thornton	Vento	Woolsey
Thurman	Volkmer	Wyden
Torres	Washington	Wynn
Torricelli	Waters	

NOT VOTING—16

Ackerman	Kopetski	Thomas (CA)
Conyers	Lehman	Vucanovich
Farr	McDermott	Yates
Gutierrez	McNulty	Young (AK)
Hoke	Neal (NC)	
Hyde	Stokes	

□ 1623

The Clerk announced the following pairs:

On this vote:

Mr. Thomas of California for, with Mr. Stokes against.

Mrs. Vucanovich for, with Mr. Ackerman against.

Mrs. MEEK, Mr. DICKS, and Mr. HALL of Texas changed their vote from "aye" to "no."

Mr. CRAMER, Mr. GOODLING, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably detained during the rollcall vote on number 421. Had I been present, I would have voted "no." My absence did not affect the outcome of the vote.

I ask that this explanation appear immediately after the rollcall vote during the appropriate place in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 2 printed in part 4 of House Report 103-223.

AMENDMENT OFFERED BY MR. ANDREWS OF MAINE

Mr. ANDREWS of Maine. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS of Maine: At the end of title XIII (page 447, after line 6), insert the following section:

SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION FUNDS FOR THE SALE OR TRANSFER OF DEFENSE ARTICLES OR DEFENSE SERVICES.

(a) RESTRICTION.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization of appropriations in this Act and made available for defense conversion programs may be used to finance (whether directly or through the use of loan guarantees) the sale or transfer to foreign countries or foreign entities of any defense article or defense service, including defense articles and defense services subject to section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) CIVILIAN END-USE.—The Secretary of Defense may grant exemptions from the restriction of subsection (a) with respect to sales or transfers of defense articles or defense services for civilian end-use.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "defense article" has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(2) The term "defense service" has the meaning given that term in paragraph (4) of such section.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Maine [Mr. ANDREWS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. WELDON. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WELDON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment before us today asks us to address the following question: Should defense conversion include the financing of foreign arms sales?

The basic question that this amendment addresses and asks us to address this afternoon is, should defense conversion include the financing of foreign arms sales?

Because of the tremendous confusion about what this amendment is and what it is not, I just want to clarify what it is and what it is not.

This amendment recognizes that the tremendous challenge that we are facing across this country in converting our industrial base, our work force, and our communities that gave so much during the cold war, that helped us to win the cold war, that we need to provide them all the tools that we can to convert into those industries and those resources that we need to win the economic competition of the post-cold war era.

When the proposal from the President became clear that he supported defense conversion, Mr. Chairman, there were elements who said, look, let us take a piece of this conversion money and use it to finance arms sales.

Mr. Chairman, we have limited dollars in the defense conversion area. Regardless of what Members think of the wisdom of the current policies regarding foreign arms sales, this amendment simply says, let us agree that foreign arms sales does not equal conversion. And conversion funds, Mr. Chairman, should be limited and directed to those activities which will help those industries, help those communities and help those workers retool so that they can build high-speed rail, so that they can build advanced telecommunications, so that they can build alternative sources of energy, in short, everything we need to compete in this next decade and century.

Nothing in this amendment, Mr. Chairman, affects sales or directs commercial sales that are approved and supported by our Government to foreign nations.

Since bringing this idea up to the full committee in July, we had a number of concerns addressed and questions addressed to us. So we made modifications. We changed the amendment, and we have an amendment that, in fact, does exactly what it says.

I urge my fellow Members to support my amendment.

Mr. WELDON. Mr. Chairman, I yield 5 minutes to the distinguished freshman member of our committee, the gentleman from Indiana [Mr. BUYER], who has done a fantastic job on this issue.

□ 1630

Mr. BUYER. Mr. Chairman, I rise in opposition to the Andrews amendment. This amendment is unnecessary. It has broader negative implications for defense conversions than the associated rhetoric that we are about to hear. The rhetoric associated with the amendment is not in fact what this amendment is about.

The sponsors are claiming it is about stopping the use of defense conversion funds for arms sales. In reality the amendment is simply being used as a vehicle to propound against arms sales, when in fact there is nothing in the administration's request for arms sales; arms sales are not within the jurisdiction of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would ask if the gentleman understands that should this amendment pass, there will be an extensive number of people who would be out of work and unemployed. Does the gentleman understand that? Does the gentleman agree with me on that?

Mr. BUYER. Yes, Mr. Chairman, I do. I do not support this amendment.

Mr. SKELTON. If the gentleman would continue to yield, I do not, either, but I think the author and those of us who are discussing this should understand that this is an unemployment amendment.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the Committee on Armed Services opposed an earlier version of this amendment by a vote of 15 for and 39 against. The amendment is not supported by the Clinton administration's Defense Department.

The amendment is contrary to the export policies of the Clinton administration's Department of Commerce.

The amendment is contrary to economic growth and the maintenance of

this Nation's industrial and technology base.

We should not be taking the time of the House to debate an amendment that was defeated on a 2-to-1 bipartisan basis in our committee markup.

The amendment is a badly crafted amendment. While the sponsors say that their objective is to prohibit the use of defense conversion funds to finance arms sales abroad, the amendment is about much more than prohibiting arms and weapons sales. Because the amendment does not match the sponsors' rhetoric and gets into the legalistic arcania of the Arms Export Control Act, it actually inhibits the very process of defense conversion that the sponsors say they support.

As I have mentioned, our members were against this amendment by a 2 to 1 margin because of concerns over potential unintended consequences of the amendment. The concerns over unintended consequences obtain in the current version of the amendment.

You all have heard of the phrase, "the devil is in the details." This is an example of the devil being in the definitions.

The sponsors of the amendment say that they are opposed to the use of funds authorized for defense conversion purposes being used to finance weapons and arms sales to foreign countries. The problem is that instead of saying what they mean in the amendment, the sponsors use the all-inclusive term "defense articles" which, under the reference they cite in the amendment, includes many of the items authorized under defense conversion. In other words, the sponsors' amendment could in effect prohibit the very defense conversion process that they otherwise support.

Under the reference cited in the amendment for defense articles there is a lengthy list of items that are not arms and are not weapons. The list includes many potential defense conversion items that are defined as defense articles. A few examples of defense articles that are funded by defense conversion and could be affected by the amendment include: advanced composites, engines, patrol vessels, auxiliary vessels, and service craft, navigation systems, power supplies, training equipment, electronic equipment, ground radar, radios and identification equipment, computers, night vision devices, cameras, energy conversion devices.

The items are all in the category of dual use. Under the amendment their sale could be prohibited to a foreign buyer.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California for 15 seconds.

Mr. BERMAN. Mr. Chairman, the gentleman is misreading the Arms Export Control Act. The Arms Export Control Act covers the jurisdiction of the munitions list items. The defense articles are Government sales. We do not have any reason to be providing loan guarantees for Government sales. The gentleman is making an argument that is not related to the actual text of this amendment.

Mr. BUYER. Reclaiming my time——

Mr. BERMAN. The Secretary can waive any of this for civilian purposes.

Mr. BUYER. Reclaiming my time, this is directly related because with defense conversion, we are talking about dual use technologies——

Mr. BERMAN. Dual use technologies are——

Mr. BUYER. Regular order, Mr. Chairman.

The CHAIRMAN pro tempore. (Mr. DURBIN). The gentleman from California [Mr. BERMAN] will desist. The gentleman from Indiana [Mr. BUYER] is recognized and may continue.

Mr. BUYER. Mr. Chairman, the items that I listed were all in the category of dual use. Under the amendment their sale could be prohibited to a foreign buyer.

The sponsors claim that the waiver provision of the amendment would allow the Secretary of Defense to waive the prohibition for foreign sale for items intended for civilian end use. Does it make sense at a time when the President wants to cut 250,000 Federal jobs, to create yet another Federal bureaucracy to argue the end use potential for an endless list of defense conversion items? This waiver would create yet another hoop for our businesses to jump through in order to compete legitimately in international commerce—a hoop that their competitors in other countries do not have to jump through. And a hoop that is very long—more like a tunnel—that can take months for an approval for a given export license to come out the other end. I don't think our Members think that makes sense.

The sponsors make no distinction as to what countries the prohibition on financing should apply. If Members seek to limit arms sales they need to focus on likely recipients and should not support a blanket prohibition. We should not be making blanket prohibitions on the sale of defense conversion items that apply equally, for example, to Canada as they would apply to a country like Iraq.

The Defense authorization bill has nothing to do with foreign arms sales. Defense conversion has nothing to do with arms sales.

Those Members opposing arms sales have had an opportunity to join with our colleague from California [Mr. BERMAN] in writing to the President on July 30 of this year requesting a reevaluation of U.S. arms transfer policy.

Give the President a chance to respond.

This amendment was opposed by a 2 to 1 majority of the committee. It is not supported by the Clinton administration. It is contrary to the proexport policy of the Commerce Department. It is antigrowth. And it is antibusiness.

This amendment is for a different time and place and does not belong in our debate today. Defeat this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], my distinguished Republican colleague on the committee.

Mr. KASICH. Mr. Chairman, maybe we are fighting a losing battle, because every time I come to the floor on this issue we seem to lose, and maybe one time we will have some real change and we can win. This is a real tragedy.

Between 1989 and 1992 the United States was involved in selling 56 percent of the arms transfers around the world, 56 percent, with the current mechanism that we have in place. Now we want to add another mechanism to have even more arms sales? Come on, folks. Talk about the devil in the details, the devil is in the details of the opposition to this program.

This program says, "If you have a legitimate commercial item and you want to sell it, you get an exemption to sell it." Rather than to have to fight to restrain the growth in the sale of arms around the world, this is designed to say, "Folks, let us slow it all down."

Fifty-six percent of the market share of weapons around the world I think is high enough. I do not think we need another mechanism to drive it up beyond 56 percent of the weapons that are sold around the world. Let me show the Members what has happened over the last 7 years.

We might see here that the Soviet Union in 1968 was really leading us, the Soviets in red and the United States in blue. However, in 1990, 1991, and 1992 America has become the super champion, dwarfing everybody else in the world when it comes to the issue of arms sales.

Mr. Chairman, we went to Iraq and we faced our own weapons. There is going to be an en bloc amendment that creates a commission that I worked on with the gentleman from Wisconsin [Mr. OBEY] to put some rational thinking into this whole issue. If we do not sell, someone else will sell. We have to deal with that.

Under the current mechanism that we have, what we do not need to do is exacerbate the problem. We do not need to capture more than 56 percent of market share.

□ 1640

I say to my colleagues on both sides of the aisle, let us just send this thing into the conference committee. The Senate already has a provision to provide for more exports of weapons. Let us get in the conference committee, and let us work out a reasonable provision that puts some rational thinking

in the sales of arms. Let us not add another structure. Let us do this in a rational manner, give us a chance to go to conference committee.

This amendment is not perfect, but it puts us in the conference committee with a mechanism to try to bring some rationality into this whole issue of selling arms around the world that ultimately endangers the United States of America. Vote for the Andrews amendment.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Florida [Mr. HUTTO], chairman of the Subcommittee on Readiness.

Mr. HUTTO. Mr. Chairman, I rise in opposition to this amendment. It was defeated overwhelming in the Armed Services Committee. I know the gentleman from Maine is well intentioned, and I agree that we should stop the proliferation of arms around the world and selling weapons systems to every country. But we cannot do it here and disadvantage our people. If we can apply this to every other country, fine.

But what we have to do is have the State Department and the U.S. policy and get these countries together and have an agreement that we will stop these arms sales and buildup of weapons systems around the world. But we do not want to take jobs away from our people, and that is what this would do.

If we do not sell these particular arms, well then somebody else is going to do it. But we should get an agreement so that all of it would be stopped, and not just the United States of America.

So I urge Members to keep American jobs and vote against this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. BONIOR], a Member who is as concerned about jobs in this country as is any Member in this Chamber.

Mr. BONIOR. Mr. Chairman, U.S. arms sales, as these charts have just indicated, to Third World countries are now greater than any other nation or all other nations combined.

We talk about new threats from abroad. Yet our weapons come back to haunt us. Whether it is in Somalia, or Panama, or the Persian Gulf, American men and women have found themselves looking down the barrel of United States-made weapons.

Now there are those who would take conversion funds which have been set aside to help American workers to finance foreign arms sales. Foreign arms sales are not defense conversion. We need those funds right here at home. We need to expand exports, not arms sales.

The knowledge and experience of the defense industry can be used to make our Nation competitive again, and this amendment, the Andrews-Kasich amendment, is a sensible, reasonable, modest amendment. Foreign arms sales would simply be excluded from the definition of defense conversion.

So I ask my colleagues not to rob American workers to finance foreign arms sales. Vote for this amendment.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to our very distinguished freshman Member, the gentleman from Missouri [Mr. TALENT] who has done an excellent job on the committee.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding the time and for his kind compliment.

Mr. Chairman, the sponsor of this amendment says he is offering it because he wants defense conversion money to be used for defense conversion. That is why I am opposing it. I want defense conversion money to be used for defense conversion.

Here is what the amendment says, and if it passes this is what the law will be:

> None of the funds appropriated pursuant to an authorization of appropriations in this act and made available for defense conversion programs may be used to finance the sale or transfer to foreign countries or foreign entities of any defense article.

Defense article, Mr. Chairman, as defined under the statute includes a whole lot more than just defense systems of weapons. It includes composites, it includes electronics, it includes ships, it includes everything that we want these people to produce in defense conversion. So what we are going to be saying to them if we pass this amendment is here is some money and go out and fund these consortiums, produce articles like components for defense conversion, but you cannot export them. We do not want you to send them abroad.

A group of people in my district formed a consortium where they wanted to make a composite that would be used to make bridges stronger and earthquake proof. What we have said is go ahead and build it, but you cannot export it. Maybe there are billions of dollars worth of business to do in Canada with this, but you cannot do it. We do not want you to export to Canada.

Mr. Chairman, there is a time and place for a legitimate and strong debate about arms sales. Many Members of the House feel strongly about it, as I do. I think there has been a lot of loose rhetoric. I think it is important to distinguish between sales to Third World countries and sales to our friends which enhance American security and protect American lives and save thousands of American jobs. I would like the opportunity to have that debate on a bill coming out of the Foreign Affairs Committee. This is not the time or the place. With the complicated procedures already in place, it is going to cost thousands and thousands of U.S. jobs, so if you want to put people out of work, vote for the amendment. The gentleman said vote to have it in conference, and I am glad that my friend from Ohio said that because if it gets to conference we ought to conference it out, because we had sure better change it or we are going to put an awful lot of people out of work.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut [Mr. GEJDENSON], cochair of our conversion task force and chairman of the Committee on Foreign Affairs Subcommittee on Economic Policy, Trade and Environment.

Mr. GEJDENSON. Mr. Chairman, I just say to my friends that there is no debate here. The facts of the matter are that some of our colleagues who oppose this amendment are just factually wrong.

We are not attacking the fundamental method for financing arms sales. What we are saying is these new dollars ought to be used for the future to do a little long-term planning. We still have lots of money and lots of methods for aiding arms sales. we are doing too much of that. But that is really a different issue.

What we have here is after years of effort a handful of dollars to plan for the future. The choice is a simple one. Do we make some effort to make sure that our defense workers have an opportunity to enter into new products and to make sure they have jobs in the future, or do we take these few scarce resources, spend them fast now, and then not have access in the future markets in defense conversion. Technology that began in defense that has commercial application is not barred from use by the language in this amendment. This amendment, to the contrary, makes sure that the few resources that we have are used to establish new products and new fields with new customers.

Support the amendment. It is a good amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. OBEY], chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, all this amendment does is prohibit the financing of arms sales or transfers with conversion funds. That is all it does. It does not affect ongoing military sales programs. It simply says use defense conversion money for defense conversion.

Are we so dull witted in this country that the only way we can think of to convert defense production into something else is to increase arms exports around the world? Are we not imaginative enough to figure out other ways to do it? We did it at the end of World War II. We did it at the end of the Korean war. Do we not have the capacity to do it again?

We have told the Russians, who are experiencing an economic catastrophe, we have told the Czechs, who are experiencing economic collapse, that they must cut back on their arms sales. Meanwhile we are shoving ahead, becoming the arms merchant of the world.

America is better than that. Support this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Indiana [Mr. VISCLOSKY], a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. VISCLOSKY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maine [Mr. ANDREWS]. First of all, using conversion funds to create a loan guarantee program for foreign arms sales defeats the purpose of conversion. I believe Government funds are better used for conversion programs that diversify the defense industry, not maintain the status quo. Also, the U.S. Government should not be accepting credit risks that private banks are unwilling to undertake.

Second, the loan guarantees are not needed, and amount to reverse burden-sharing. Why should the U.S. taxpayers subsidize rich foreign governments in a program of reverse burden-sharing, when the economies of some of the countries covered by the proposal are growing at almost three times the rate of ours.

Additionally, the U.S. share of world arms sales increased in recent years, while the European share decreased. In 1991—the most recent figures available—the United States sold almost 60 percent of the worldwide arms market. Indeed, insofar as sales to the countries covered under the loan guarantee proposal are concerned, the United States already has a virtual monopoly on the market: we sold 87 percent of arms to those countries, and the Europeans sold only 13 percent.

Finally, the proposal runs contrary to what our policy should be. Using conversion funds for subsidized arms sales would seriously undercut United States appeals to Russia, Ukraine, and former East bloc countries like the Republics of Czech and Slovakia to resist the temptation of selling arms to gain hard currency. Instead of exporting death, we should be setting an example and creating jobs here at home.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. BERMAN], chairman of the Subcommittee on International Operations of the Committee on Foreign Affairs.

Mr. BERMAN. Mr. Chairman, I rise in strong support of the Andrews-Kasich DOD amendment. Neither our foreign policy goals nor our domestic economic goals are served when precious defense conversion money is used to finance weapons abroad. Financing weapons sales abroad is supposed to be the result of a careful and deliberate foreign policy process. As a member of the Foreign Affairs Committee I take this policy process very seriously. As you know, tremendous time and energy has been invested in passing a foreign aid bill this year. And, about one-quarter of all foreign aid this fiscal year goes to supplying weapons or military training, the lowest percentage in many years. Ninety-five percent of it is in the form of grants to foreign governments generally restricted to purchases of U.S. built weapons. Most of the rest subsidizes $855 million in low-interest loans to buy U.S. arms on easy credit.

Assisting and encouraging weapons sales is tricky business. In the past, both our lives and our economic interest have been threatened by weapons and weapons technology that was either exported of financed via the American tax dollar. In the last three places the United States Armed Forces went into action—Panama, Iraq, and Somalia—they faced weapons or weapons technology either exported or financed by our own Government. And, many future U.S. markets have been devastated by conflicts fought with U.S. weapons and weapon technology. To finance further arms exports by robbing defense conversion accounts would add insult to injury.

Financing weapons abroad is not legitimate when it is done by robbing defense conversion money. Defense conversion money is supposed to be used to help industries and workers retool for a peacetime economy. While spending resources on the promotion of arms exports may postpone temporarily the pain of downsizing, it does nothing to treat the systemic problem. Defense conversion, on the other hand both eases the pain and treats the core problem. Calstart, a public-private partnership dedicated to the creation of an advanced transportation industry, serves as a perfect example of what these funds should be spent on. Calstart has already made great strides toward encouraging defense contractors to diversify into areas of high technology and encouraging the utilization of the specialized skills of displaced defense workers.

Unfortunately, even if the House provision for increased defense conversion funding prevails, we will be far short of funding even one-eighth of all of the worthy defense conversion proposals already on the table. DOD's technology reinvestment project has received 3,000 proposals requesting $9 billion in Government contributions. All of these proposals contain 50 percent local cost share commitments. There is no money to spare. If anything we should be increasing defense conversion accounts.

The United States does not suffer from a competitive disadvantage that would somehow necessitate the robbing of defense conversion money for arms exports. In fact, the United States has increased both its market share and volume of arms sales. The United States alone now supplies almost 60 percent of all sales to the developing world.

The Andrews-Kasich amendment does not, in any way, limit legitimate foreign arms transfers from taking place. Nor does it impact the export of commercial or dual-use items. The amendment specifically states that the Secretary may exempt the sale or transfer of defense articles or defense services for civilian end-use.

The amendment simply makes sure that defense conversion funds are used for one purpose: defense conversion.

We urge your support on this amendment.

□ 1650

Mr. ANDREWS of Maine. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong support of the Andrews/Kasich amendment and believe it makes sound logic and that we ought to pass it.

Mr. ANDREWS of Maine. Mr. Chairman, I yield such time as he may consume to the chairman of our committee, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I rise in strong support of the Andrews amendment. This is a great moral issue. We are on the cutting edge of significant policy here. I urge my colleagues to support the amendment.

Mr. Chairman, I rise in strong support of the bipartisan Andrews-Kasich amendment and urge its adoption.

The Andrews-Kasich amendment would prohibit the financing of arms sales from defense conversion funding. Emphatically, diverting defense conversion dollars for this purpose is not defense conversion.

I think it is vital that the House understand that this amendment is intended to engage a larger issue of how politically and morally we address the problem of supporting arms sales from which we may derive economic benefit at great human cost. Regrettably, in an effort to offset declining defense markets at home, we are scrambling to increase weapons sales abroad. Importantly, we must cope with the emergency of a global-military industrial complex. Defense conversion in the post-cold war era now has become an international issue which this Congress will have to consider in the years ahead.

The Andrews-Kasich amendment is therefore an important statement of principle with respect to the very important issue as to how we support the continued economic viability of defense-dependent sectors of our economy without fueling arms races abroad or impeding defense conversion, reinvestment, and diversification efforts at home. This amendment will also protect the limited funding provided in

H.R. 2401 to support loan guarantees for small and medium-sized diversification into nondefense markets and the national shipbuilding initiative loan guarantee program established for commercial ship construction.

The Andrews-Kasich amendment will preserve the opportunity for all committees of the House with jurisdiction over various aspects of financing weapons sales abroad to review issues with respect to arms proliferation, potential American job losses resulting from offset agreements required to gain foreign approval of weapons sales, relationship of U.S. arms export financing to overall international trade strategy and other related issues.

Currently, the administration is reviewing the types of mechanisms and circumstances which might be appropriate to support Government financing of arms sales. The Andrews-Kasich amendment does not preclude the establishment and support of an export financing facility at some point once the issues indicated above are resolved. However, it is clearly inconsistent to provide such financing from weapons sales from defense conversion funds. The Andrews-Kasich amendment seeks to establish this very important commonsense principle with which we should all agree.

Finally, on August 31, 1993, the Under Secretary of Defense for Acquisition released a letter to the Los Angeles Times stating that defense conversion funding would not be utilized to finance weapons sales abroad. Clearly, the Andrews-Kasich amendment is consistent with this stated policy and I urge its adoption.

Mr. ANDREWS of Maine. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I hope that the Members of this Chamber will look at the facts against the fiction that we have been hearing on the other side as to what this amendment will do and will not do. This is not going to cost jobs, it will create jobs.

Ladies and gentlemen, we sell more arms to the Third World than all other nations of the world combined. American young people put in harm's way in Desert Storm, in Somalia, in Panama, have found themselves looking down the barrel of American-made weapons and American-weapons technology. Meanwhile, thousands and thousands of sound proposals for real defense conversion, which can take our industrial base and put it to work to rebuild this country's economic greatness, go unfunded because we do not have the resources.

This amendment clearly states, and only states, the defense conversion funds will be used for defense conversion, period. Arms sales, foreign arms sales, there are other resources and sources of funds for that. It is not conversion.

Mr. WELDON. Mr. Chairman, I yield myself 15 seconds.

I want to make one statement: For all the rhetoric we have heard from those members of the Committee on Appropriations, I remind my colleagues that $7 billion a year in the foreign aid appropriations bill goes to arms sales. Why don't you offer this amendment on the foreign aid bill? That is where I suggest this debate should occur, not the way it is being offered here.

Mr. Chairman, I yield the remainder of our time to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I might say this is an unemployment amendment. Let us not be mistaken about that. This amendment does not say to use defense conversion for defense conversion. The amendment says you cannot finance the sale of defense articles. That includes nuts and bolts and brass and paint and composites. What type of bureaucracy will you need to investigate whether someone's nuts and bolts go into defense articles?

This does not make sense. How many people are you going to have to put on the Federal payroll to create a bureaucracy to check into seeing whether every piece of paint or composite or screw or nut or bolt goes into something to make a defense article?

It just does not make sense.

I intend to vote against it.

Mr. BATEMAN. I thank the gentleman for his statement.

Mr. Chairman, in the few seconds remaining to me, let me say to my colleagues that most of the debate that I have heard on behalf of this amendment is something appropriate to something other than the amendment which has been proposed. This amendment will have absolutely zero effect upon the amount of arms distributed and sold in the world community in which we live. It will not impact the quantity; it will only say that no American jobs will be created or preserved because some of that equipment or more of that equipment is going to be American equipment. The chart that the gentleman from Ohio [Mr. KASICH] pointed to, the 1985 blip where Western European arms sales went up so high, why did they go up so high? Because we did not sell something to the Saudia Arabians that they bought from the French and the British. They bought it, it was equally almost as good as ours. They bought it, but it did not reduce the inflow of arms to the Middle East. This bill would not do so. This is totally a red-herring. It will do nothing but deprive American workers of the opportunity to retain their jobs.

Mr. Chairman, I urge a vote against it.

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Andrews-Kasich amendment to ban the use of defense conversion funds for financing foreign arms sales.

We have seen an ingenious lobbying campaign by Raytheon and other top military contractors to underwrite arms sales in an attempt to compensate for reductions in the defense budget. They are attempting to divert money from true defense conversion efforts to pay for more than $5 billion in loan guarantees for foreign arms sales.

I say to my colleagues this is not conversion. Defense conversion means a fundamental shift from a defense-based to a civilian-based economy. Financing arms sales to keep defense companies producing the same weapons of war is not conversion. Finding new markets for our weapons is not conversion. This policy destabilizes our fragile industrial base; it does not face the reality that the global economy is changing.

I question whether we should be financing foreign arms sales at all. If we look across the globe at the troubled spots of the world—Somalia and the Middle East in particular—we see one pattern that has fueled wars and tensions in those regions: a large supply of easily obtainable weapons. President Clinton shares this concern. In a recent response to a congressional letter about arms sales policy, he declared his intention to undertake a comprehensive review of arms transfers.

If we are ever to achieve any semblance of world peace and stability, as well as economic strength here at home, we must move beyond our cold war mentality. Vote for sanity; vote for the Andrews-Kasich amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Maine [Mr. ANDREWS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS of Maine. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 160, not voting 22, as follows:

[Roll No. 422]

AYES—256

Abercrombie	Carr	Eshoo
Allard	Chapman	Evans
Andrews (ME)	Clay	Faleomavaega (AS)
Andrews (NJ)	Clayton	Farr
Applegate	Clement	Fawell
Baesler	Clyburn	Fazio
Ballenger	Coleman	Fields (LA)
Barca	Collins (GA)	Filner
Barcia	Collins (IL)	Fingerhut
Barlow	Collins (MI)	Fish
Barrett (NE)	Condit	Flake
Barrett (WI)	Coppersmith	Foglietta
Becerra	Costello	Ford (MI)
Beilenson	Coyne	Frank (MA)
Bentley	Crane	Franks (NJ)
Bereuter	Danner	Furse
Berman	de Lugo (VI)	Gallo
Bilirakis	Deal	Gejdenson
Bishop	DeFazio	Gephardt
Blackwell	DeLauro	Gibbons
Boehlert	Dellums	Gilchrest
Bonior	Derrick	Gilman
Borski	Deutsch	Glickman
Brewster	Dixon	Gonzalez
Brooks	Dooley	Gordon
Brown (CA)	Duncan	Grams
Brown (FL)	Dunn	Grandy
Brown (OH)	Durbin	Green
Bryant	Edwards (CA)	Greenwood
Byrne	Engel	Gunderson
Cantwell	English (AZ)	Hall (OH)
Cardin	English (OK)	

Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Inslee
Istook
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McInnis
McKinney
McMillan
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Zimmer

NOES—160

Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Bartlett
Barton
Bateman
Bevill
Bilbray
Blute
Boehner
Bonilla
Boucher
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Combest
Cox
Cramer
Crapo
Cunningham
Darden
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Edwards (TX)
Emerson
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Houghton
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
King
Kingston
Kolbe
Kyl
Lancaster
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McNulty
Meek
Meyers
Mica
Michel
Molinari
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Quillen
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Santorum
Sarpalius
Schaefer
Scott
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Torkildsen
Torricelli
Valentine
Walker
Walsh
Weldon
Whitten
Wilson
Young (FL)
Zeliff

NOT VOTING—22

Ackerman
Bliley
Conyers
Cooper
de la Garza
Ford (TN)
Gutierrez
Hastert
Hayes
Hyde
Johnson (CT)
Lehman
McDermott
Neal (NC)
Skelton
Smith (IA)
Stokes
Thomas (CA)
Vucanovich
Waxman
Yates
Young (AK)

□ 1715

The Clerk announced the following pair:

On this vote:

Mr. Ackerman for, with Mr. Thomas of California against.

□ 1715

Mr. BARTLETT of Maryland and Mrs. FOWLER changed their vote from "aye" to "no."

Messrs. RICHARDSON, BISHOP, DERRICK, MOAKLEY, GEPHARDT, and Mrs. BENTLEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, I was necessarily absent earlier today during the rollcall votes 419 and 422. I was unavoidably detained in a health care reform meeting.

Had I been present, I would have voted "aye" on rollcall 419 and "no" on rollcall 422.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 4 of House Report 103-223.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

Page 367, line 14, insert "(a) FUNDING FOR FISCAL YEAR 1994.—".

Page 368, strike out lines 7 through 18, relating to funds available for manufacturing extension programs under section 2523 of title 10, United States Code and for the defense dual-use extension program under section 2524 of such title.

Page 368, line 19, strike out "(7)" and insert in lieu thereof "(5)".

Page 368, after line 22, add the following new subsection:

(b) REDUCTION IN TRP FUNDING.—The amount provided in subsection (a) to be available for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title is hereby reduced by $300,000,000.

Page 372, line 4, strike out "or" and insert in lieu thereof "and".

Page 372, line 6, strike out "section 2501" and insert in lieu thereof "section 2501(a)".

Page 373, line 11, strike out "section 2501" and insert in lieu thereof "section 2501(a)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and a Member in opposition, the gentlewoman from Colorado [Mrs. SCHROEDER], will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of this amendment is to authorize the Technology Reinvestment Program [TRP] at President Clinton's budget request. This is the House's first real test to help the President hold the line on spending since the passage of the tax bill where we talked so much about the need for that. President Clinton has said that he wants $275 million in fiscal year 1994 funding for the TRP, not the $575 billion that is represented in this bill. Now that was $300 million that was added in committee to the grant program.

Mr. Chairman, I understood a little while ago the gentlewoman from Colorado [Mrs. SCHROEDER] to say the President is now for this $300 million more. I guess what we have to figure out is just what the President is for at any given time. The budget numbers say $275 million. That is the predication on which the whole defense cut was based, was on the fact that what we were going to do was have real savings in the defense appropriations. I am simply trying to make certain that the President gets the money that he originally requested, not the add-on money that the committee has put into this particular program.

Now I think that it is important also to look at this amendment from the standpoint of how the money is going to be spent because that is the real, real, question here, is whether or not this money is going to be well used if you give it an additional $200 million. Remember there is about $500 million in carryover money already available in this program, and so it is not as though the money is going to be starved in any way for this program, and the question is: How well is the $300 million going to be used?

Mr. Chairman, there is a very serious consideration with regard to the money being spent because Members should know that a large share of the money that will come out of this particular defense spending item will actually be transferred to the Commerce Department for inclusion in their extension programs. One of the Commerce Department industrial grant programs is the advanced technology

program known as ATP. That is the kind of program that we are going to get here. The GAO on September 3 gave us a report about what is happening in the advanced technology program, and what we found is that of 16 ATP grantees, they had incorrect costs of over 100 percent, 4 had rates of over 200 percent, and 1 of those was as high as 250 percent.

What does that mean?

□ 1720

It means that the indirect costs, the overhead costs, are being charged off to government, and we are not getting technology out of these programs.

What is happening here is that the overhead, the administrative costs, the facilities, and heaven knows what else, are being written off to the Government, and out of these programs we are not getting technological development. So what the effect of my amendment is is to say that the $300 million ought to be kept for things like helping communities.

We are not taking this money away. We are keeping it in defense conversion. But it ought to go to communities that need the help. It ought to go to other programs in defense conversion. It ought not go into programs where GAO is now ready to certify that the money is being poorly used and we are not getting new technology.

Mr. Chairman, in my view, this is an attempt to make certain that if we are going to spend money on defense conversion, that it ought to be well spent. These new technological programs are not going to result. The fact is we have not spent the money that was there from last year. We got $500 million.

I understand that one of the issues is that there is $8 billion out there of people that want to use this program. That is exactly what we heard on ATP, and ATP did not try to fund all of those programs. What ATP did was went out and took the best of them. What is happening in the best of them? What we are finding is they are charging off massive overhead costs to the Federal Government, and we are not producing technological results.

So if you think that you have got a problem there, I think you had better really examine what is happening here, because this is $300 million of money that has not been justified in any way, shape, or form. It was $300 million that was dumped in the committee without any idea of what this is going to be used for, other than the fact that there are 8 billion dollars' worth of people out there that want some money.

Mr. Chairman, you can always find 8 billion dollars' worth of people that want money. They are around everywhere. The question is whether or not the money will be well used.

In my view, this is money that will not be well used. It would be better used somewhere else in defense conversion. I would suggest to the House that this is a good place to support the President's original figure.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I appreciate the comments of the gentleman from Pennsylvania [Mr. WALKER]. I hope the gentleman would look at page 348, because we specifically address what the gentleman is talking about.

Mr. WALKER. Mr. Chairman, the gentlewoman specifically addressed the overhead costs?

Mrs. SCHROEDER. Thirty million dollars.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair would announce that the gentleman from Pennsylvania [Mr. WALKER] has 5 minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 10 minutes remaining in opposition to the amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I am regretfully going to oppose the amendment of the gentleman from Pennsylvania [Mr. WALKER], which would strike $300 million from the committee's bill.

Mr. Chairman, the gentleman from Pennsylvania [Mr. WALKER] is quite familiar with these programs. We have worked together on them in the Committee on Science, Space, and Technology for several years, and we have tried to create a program similar to what is in this bill in the Department of Commerce under the Advanced Technology Program. Actually the Advanced Technology Program, on which this is based, was adopted in the foreign trade bill in 1988 and signed by President Reagan.

What some people object to, including the gentleman from Pennsylvania [Mr. WALKER], is the buildup of funding for this program, for the kinds of legitimate reasons that the gentleman has expressed: it is a new program, and it is possibly subject to abuse.

Nevertheless, in the authorizing legislation that we have already passed, the competitiveness bill, in the Commerce Department this program will wrap up to half a billion dollars or more over the next few years. This program, in defense, will not. It will go down, as a matter of fact.

What the two together do is give us a reasonable base from which we can begin to build a program of cooperation between government and industry that will help us to move through this transition period between the defense turndown and the buildup of a more effective program of cooperation between government and industry.

The $300 million reduction, I think, would be tragic. The Senate has already approved a $515 million program in the committee, and we expect that they will come to conference with that. We would be at a severe disadvantage if this amendment is approved.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong support of the Walker amendment. I rise in strong support of the TRP program. I worked within Pennsylvania to establish a major conference with my colleague from Pennsylvania [Mr. MURTHA], to bring in industry and business, to work on ways that we could develop new technologies, and to create jobs in our region.

Mr. Chairman, but I am also very much concerned about how much money we throw, and I say throw, before we really have looked at the way we are spending the money that has already been allocated.

We do not have money just to throw out there. The President requested $275 million. This takes it an additional $300 million beyond that, and it funds programs that we have not used the money there from last year. As we have heard, GAO said that less than 25 percent of the allocation from last year is actually being used.

Mr. Chairman, what I am very much concerned about is, we are looking at the TRP to become the solution to all of our problems, when the major problem is cutting defense over 5 years, which is going to cost us 2.8 million real jobs out of a total 5.5 million people in the work force.

What I am also worried about is this becoming the cash cow, the defense bill becoming the cash cow for everyone. What do I mean by that? Well, in committee I would tell you the TRP process was very strictly defined so that we actually earmarked money for certain programs that had nothing to do with defense.

We were able to change that. Our side offered an amendment, which the gentlewoman from Colorado [Mrs. SCHROEDER] agreed to accept, which the committee accepted, that removed those barriers. The amendment of the gentleman from Pennsylvania [Mr. WALKER] takes it one step further and says we must use this money for defense-related technology, and not become the cash cow for everybody who wants to go out and have their company feel that they are delivering the goods back home. And that is what we are doing.

Mr. Chairman, I would urge my colleagues to support the Walker amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from California [Ms. HARMAN], a member of the committee.

Ms. HARMAN. Mr. Chairman, I want to recognize first the leadership of the

gentlewoman from Colorado [Mrs. SCHROEDER] on this issue. No one has contributed more to developing the TRP than she has.

Mr. Chairman, I rise in strong opposition to the Walker amendment. This amendment would reverse one of the most proactive measures in the defense authorization bill: Increased funding for the Technology Reinvestment Project. As a Representative of one of the areas of the country that has been hardest hit by defense downsizing, I think this measure would send exactly the wrong signal to companies that are trying to diversify into important new industries, and could send thousands of our highest skilled workers to the unemployment lines.

As we debate this bill, the Clinton administration's 6-agency team is judging more than 2,700 proposals that were submitted to round one of the TRP this past July. Hundreds of those proposals were submitted by California companies. These applications covered technologies ranging from advanced batteries to health care systems to green manufacturing processes. The TRP has $471 million in fiscal year 1993 money to fund the best of these applications; it has 8.4 billion dollars' worth of proposals to choose from.

Every one of these proposals has two important features. First, companies have teamed with other firms, universities, national laboratories, and Government agencies to share ideas and resources. Second, every application requires that the sponsors put up half the money. The TRP is not a handout—it is Government as catalyst and as partner, working with companies that want to put intellectual and industrial resources to work on challenging nondefense priorities. It is market driven and merit based, and it is the leading edge of defense diversification.

I oppose the Walker amendment because it threatens to cut the TRP off at the knees just as it gets under way. Projects that are funded under the TRP this fall will receive only a year's worth of support, even though they are seeking to develop new technologies that may take years to prove out. The Armed Services Committee increased funding for the TRP by $300 million in fiscal year 1994 because Members did not want to have to deny funding for promising technologies after just 1 year's worth of work. The Walker amendment would make it much more likely that some projects will be only a flash in the pan, not because they don't work but because the Government can't see them through.

Mr. Chairman, my office received an overwhelming response to the first round of the TRP. Dozens of companies have sent their ideas and their proposals to me, and have visited Washington to show their commitment to diversification. Not every defense contractor is interested in seeking new markets, and that's fine. But I think it would be tragic to reward companies that do want to more into new industries by leaving them hanging when they have just committed their talent, money, and resources. We need these companies to help maintain and strengthen our industrial base and the high skill, high wage jobs on which it depends, and they want to do so. I urge all of my colleagues who believe in defense diversification to reject the Walker amendment.

□ 1730

Mrs. SCHROEDER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Pennsylvania [Mr. WALKER] has 3 minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 5½ minutes remaining.

Mr. WALKER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard some interesting arguments against this amendment. It seems to me that we need to be very cautious about what we hear.

The gentleman from California, my friend, who is chairman of the Committee on Science, Space, and Technology, indicated to us that President Clinton is going to ramp down this program, that this program is one of those which is supposed to be dropping in the defense area. The fact is that President Clinton is trying to do this with the $275 million appropriation here, and the committee is determined to ramp it up. In fact, the gentlewoman offered an amendment a little bit ago that she wanted to add even more money to this program.

The gentleman from Massachusetts added even more money in an amendment he had. They wanted to put an extra billion dollars over and above the $500 million that is already there. In other words, we are at $575 million. They were going to, if we take both of their amendments together, they wanted to go to $1.5 billion for this program. That is not ramping down. That is ramping up, exactly the opposite direction from where the Clinton administration wants to go. So these Members are arguing against their own President and making it very clear that their own President does not know what he is talking about.

Also, let me make another point; that is, that the gentlewoman from California told us about half the money goes from the companies themselves. This bill changes that for small businesses down to 30 percent. So already they are moving away from that as a criteria.

Second, I tell Members, that is not really money that they have to put up. It is in-kind money. That is exactly what the GAO said was causing the waste, fraud, and abuse in the ATP Program. They are putting up in-kind money, and then what they are doing is charging off all the overhead to the Federal Government. That is the reason why we now have 250-percent overruns in overhead to the Federal Government.

So what we are doing, when we endorse that as a concept, is we are encouraging the waste, fraud, and abuse that we are already seeing in this program.

What we have is arguments today that argue two different directions. First of all, they argue that they do not want to do what the Clinton administration wants to do and, second, what they argue is that they want to continue the pattern that ATP is already showing results in waste, fraud and abuse in these programs.

I would suggest that the House wants to prevent itself from the embarrassment of having voted to upgrade programs that are going to bring about more waste, fraud, and abuse. What we want to do is support the Walker amendment to assure that we get some good standards in these programs.

Do not support the arguments that we have heard already against this amendment, because the arguments against this amendment prove my point. That is, that this is a program that has major problems in it already and that they are going to continue those major problems.

The fact that we have got 8 billion dollars' worth of people out there who want money from the Federal Government, we can always find those people. If we have 2,700 applications, I am not surprised at that at all, particularly when they find out that they can charge off up to 250 percent of their expenses to the Federal Government. Sure, anybody wants in for that kind of free money. I do not think the taxpayers ought to have to pay it.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Let us go through this one by one. I appreciate the gentleman having a wonderful pipeline to Clinton. I want to know when he last had his conversation with him, but I want to tell Members that the President has said very clearly he wants this $300 million add on.

No. 2, I would like to point out that the next part is if the gentleman would have read page 348, he would have discovered that the thing that he is so concerned about, the advanced technology manufacturing partnership, is not added onto by this $300 million. That was part of the administration's money that they requested, and only $30 million goes to it, according to that. And that was in the $275 million they asked for.

The $300 million that the committee added to this came from one of the most exciting things that is going on. I feel a little silly down here arguing as

the capitalist, but anyone in this place who thinks they are a capitalist, who wants the American taxpayer to get something for the megabucks and gigabucks that they have invested in our research and development for our military, better vote no on this amendment, because they are not going to get it back otherwise.

Let me tell Members about how successful this TRP Program has been. When it went out, people did not think companies were going to apply. Most CEO's said, "No, we don't want to play; we want not to play."

But all sorts of people did apply, and we were absolutely overwhelmed by over almost 9 billion dollars' worth of Government share requests coming in.

The gentleman is saying how upset he is because some of this could be in kind. Yes, it could be, but none of them are going to be, I do not think, because we got over $4 billion that are coming in that are cash, cold cash, cold American dollars in cash, 50 percent. So we have got between 3 and 4 billion dollars' worth of cold cash out there ready to go into America's infrastructure and ready to create new jobs, if we can only match it.

And what do we have to put up against that $3 to $4 billion? $275 million.

Had we had vision and had we known how good it was going to be, we would have raised it way beyond the $300 million. I say to the gentleman from Pennsylvania, yes, I am proud of the fact I tried to add more money to that account. I am trying to add to it every way I can, because for everyone of those projects, the gentleman may not think it is a good deal, but there is a foreign investor somewhere on this planet drooling over that. What a deal.

They get all this wonderful research that American taxpayers have invested in. They will take it offshore. It is a 50–50 match. It is a great investment for any venture capitalist in this world, and they are ready to do it.

The gentleman from San Diego earlier on had talked about the bridge proposal there. I was telling him, the only other lab like that in the world is in Japan. They hope we turn this down. They hope we turn our back on this, because they are ready to take it. And they are ready to take the composite that we developed with taxpayer money here and turn it into a whole new way of how we rebuild infrastructure. And then we will start importing it, just like we did it over and over and over again.

I want to tell my colleagues, I cannot think of a more capitalist, entrepreneurial program than this one. If we are going to bet any money, we have got to put up half. We have had this terrific response in this whole area. And if we look at page 349 of the report, it will tell Members in which areas. They must come in ocean thermal energy conversion or they must come in advanced antenna technology or noncooled, pyroelectric thermal imaging systems or advanced wind power systems.

I can go on and on and on. These are all things America needs. When we look at these proposals, they are amazing. They are taking the imaging that we have created and putting it into medical science. It will break through all sorts of things, if we do that.

They are doing all sorts of appliance to try and finally clean up the environment so we stop spending money.

But when we look at this, we have a very serious, serious matter of technologies that we have spent billions on, billions. And when we look at the past 12 years, the majority of America's investment has been in military research and development. If we do not figure out how to take this research and apply it to the civilian sector, the rest of the world is ready.

□ 1740

They are drooling. They are wringing their hands and standing at America's gate. I hope the Members vote "no" on this. If the Members do not vote "no", they are voting for the flat Earth caucus.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the Walker amendment. As my colleagues know, the defense conversion title of the committee bill proposes $575 million for fiscal year 1994 Technology Reinvestment Project [TRP] funding.

To date, nearly 3,000 proposals have been received requesting almost $9 billion in Government support for defense conversion and reinvestment projects to develop and deploy technology for commercial as well as military application. Importantly, this program is market oriented by requiring proposers to cost-share with the Government. And it is competitive with the Congress designating technology focus areas, not technology winners or losers. We have reiterated the requirement in the bill this year that award of TRP funding be contingent upon competition.

Given the avalanche of interest in the TRP Program, it can be said that defense conversion is an idea whose time has come. Unfortunately, the Walker amendment seeks to turn back the clock.

The Walker amendment would retard our current efforts in at least two ways.

First, it would reduce TRP funding by $300 million, essentially gutting our capability to both continue the technology conversion program or fund a significant share of worthy proposes. I should add that during his recent trip to Alameda, CA, the President was clearly pleased with the action by our committee in increasing TRP funding by $300 million.

Second, it would descope the objectives supported by the committee bill by allowing defense conversion funds to be used only for uniquely defense technology development to support a warmaking capability. It would prevent funding for projects to achieve policy objectives relating to defense reinvestment, diversification and conversion as well as the integration of the civilian and military industrial base.

On both counts, the Walker amendment should be defeated because it is out of step with the economic conversion needs of our Nation. Ironically, it would also obstruct the military from taking advantage of developments in commercial technology by abandoning the civil-military integration goals of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992.

As a Member of Congress who has been intensely interested in the requirement of this Nation to put forward a defense economic conversion agenda, I must also say that adoption of the Walker amendment will put us further out of touch with the requirements of our economic security. It will only continue to delay our defense conversion efforts and postpone our ability to redeploy our best minds, hands and talents in support of a truly national economic strategy to benefit all of our people.

Continued defense production is not the path to America's future prosperity. Utilizing all of the resources of the Nation's technology base—including those resident in DOD—toward reinvestment and economic conversion of our defense industrial and technology complex is the path we should choose.

The current defense conversion plan put forward by President Clinton last March was a welcome step in the right direction to deal with the economic consequences of the defense builddown. But we must not view it as merely an economic adjustment program; it should be seen as an initiative to convert attitudes about what is possible when government works in partnership with its workers, communities, and firms. Much more can and should be done. However, we cannot build on the current program if the foundations are removed. That is what the Walker amendment attempts to do and it should be resoundingly defeated. I urge my colleagues to vote "no" on the Walker amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentlewoman has expired.

Under the rule, all debate on this amendment is completed.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 261, not voting 26, as follows:

[Roll No. 423]

AYES—151

Andrews (TX)	Bateman	Camp
Archer	Bereuter	Canady
Armey	Bilirakis	Castle
Bachus (AL)	Boehner	Clement
Baker (CA)	Bonilla	Clinger
Baker (LA)	Brewster	Coble
Ballenger	Bunning	Collins (GA)
Barca	Burton	Combest
Barrett (NE)	Buyer	Costello
Bartlett	Callahan	Cox
Barton	Calvert	Crane

Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McDade
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Upton
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOES—261

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

NOT VOTING—26

Ackerman
Allard
Bliley
Bryant
Conyers
Cooper
de la Garza
Ford (TN)
Gallegly
Gutierrez
Hayes
Hutto
Hyde
Lehman
Manton
McCrery
McDermott
Murphy
Neal (NC)
Pickle
Smith (IA)
Stokes
Thomas (CA)
Vucanovich
Yates
Young (AK)

□ 1750

The Clerk announced the following pairs:

On this vote:

Mr. McCrery for, with Mr. Ackerman against.

Mr. Thomas of California for, with Mr. Conyers against.

Mrs. Vucanovich for, with Mr. Stokes against.

Mr. McHUGH and Mr. PENNY changed their vote from "aye" to "no."

Mr. KIM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McCLOSKEY. Mr. Chairman, I rise today in support of a provision in H.R. 2401, the Defense authorization bill, which would grant civilian employees in the Department of Defense important procedural rights when a security clearance is revoked or denied.

Section H.R. 943 of the bill requires the Secretary of Defense to prescribe regulations that would provide employees of the Department of Defense the same procedural safeguards that are currently given to employees of defense contractors under Executive order 10865. This change is long overdue.

Over 30 years ago, President Eisenhower signed Executive Order 10865, granting contractor employees due process rights when a final determination is made regarding a security clearance. There is no equivalent provision, either under Executive order, or by statute, that provides the same rights for Federal employees in the Department of Defense.

The purpose of section 943 is to provide a fair, uniform process in the Department of Defense before a final determination is made respecting a civilian employee's security clearance. The language in the bill is intended to simply give the same due process rights to civilian Department of Defense employees that contractor employees have held for over 30 years. It is a simple matter of fairness, and it in no way compromises national security to treat government employees the same as contractor employees.

The absence of statutory or Executive order authority defining the due process rights of Federal employees with respect to denials and revocations of security clearances has resulted in a patchwork of procedural rights for Federal employees throughout the Federal government. Different components of the Department of Defense apply different procedures to Federal employees. Some afford Federal employees the same rights as contractor employees, but most do not.

Although the Department of Defense has made efforts to address this issue on its own, adopting section 943 will end the disparity between contractor and civilian employees, and will result in more consistent criteria for security classification determinations.

One thing that is clear under the current system is that government employees receive fewer rights than do contractor employees, simply because of their status as Federal employees. Since many jobs in the Department of Defense are dependant on having a security clearance, it is critical that employees have a fair process for responding to allegations which might threaten their security clearance. Indeed, in some cases, jobs depend on it.

Under the current system, an employee could come to work one day only to be told that their security clearance had been indefinitely suspended pending an investigation. They are not notified as to why they are being investigated. They are not notified as to the substance of allegations that led to an investigation. They are not entitled to any information about their accuser—who might be anonymous—and the employee is not told how long the investigation will take. Sometimes these investigations go on for over a year, keeping the employee in limbo.

Once the clearance has been suspended, the employee can no longer perform their job function, and they might be reassigned to a menial job that requires no clearance while the investigation is pending. Oftentimes, employees are unwilling to wait out an indefinite investigation, and they simply give up their job before the investigation is completed.

As chairman of the Subcommittee on Civil Service, I have been contacted by civilian employees in the Department of Defense who have experienced this first hand. You can only imagine the fear and anxiety this causes, and how disruptive it is to real lives. Until civilian employees have the right to a hearing to respond to allegations made against them, this system will continue to be subject to manipulation.

The Department of Defense issues more security clearance to Federal employees than any other agency, accounting for about 90 percent of all security clearances in the Federal Government. In fiscal year 1992, over 570,000 civilian employees had security clearances granted by the Department of Defense.

In many cases, Government and contractor employees perform identical duties, and work side-by-side in the same work site, on the same projects, yet Federal workers are denied the same due process rights merely because of their status as Federal employees. It is time to end this anachronistic policy. Federal employees present no different security risk than contractor employees and deserve the same due process rights.

The procedures I am talking about—contained Executive Order 10865—are very reasonable. Section 3 of Executive Order 10865 provides the following protection for contractor employees before access to a specific security classification may be finally denied or revoked:

No. 1, a written statement of the reasons why his or her access authorization may be denied or revoked, which shall be as comprehensive and detailed as national security permits;

No. 2, a reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons;

No. 3, after he or she has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designees, for the purpose of supporting his or her eligibility for access authorization and to present evidence on his or her behalf;

No. 4, a reasonable time to prepare for that appearance;

No. 5, an opportunity to be represented by counsel;

No. 6, an opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 of Executive Order 10865 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant; and

No. 7, a written notice of the final decision in his or her case which, if adverse, shall specify whether the head of the department or his designees, including but not limited to, those officials named in section 8 of E.O. 10865, found for or against him or her with respect to each allegation in the statement of reasons.

The language in section 943 would apply identical procedures to civilian Department of Defense employees.

The Committee on Post Office and Civil Service Subcommittee on Civil Service held a joint hearing with the Committee on the Judiciary Subcommittee on Civil and Constitutional Rights on May 5, 1993, on the subject of due process rights of Federal employees with respect to decisions affecting security clearances. The subcommittees heard testimony from the General Accounting Office, top security officials in the Department of Defense and the Department of State, and Federal employee unions.

Testimony given at the hearing made clear that the Government's security classification system has grown increasingly complex since its origin, and that there is a need to address the rights of employees in a more comprehensive and coherent way.

The country has strong national security reasons for a security classification system, and sensitivity to national security should permeate the process by which the Government controls access to classified information. However, consistent with these national security concerns, it is possible to provide Federal employees who require access to classified information to perform their jobs with a fair and consistent procedure to respond to and address any allegations that might arise affecting their access.

The provision in section 943 or the Defense authorization bill is a step in the right direction, and would improve our policy for Department of Defense employees establishing a fair, workable and uniform policy for civilian and contractor employees in the department.

Mr. WILLIAMS. Mr. Chairman, the Department of Defense Authorization Act makes changes in the requirements for notice to contractors, subcontractors, employees and affected units of local government when proposed or actual terminations in defense programs occur. This is a clarification of legislative intent of what became law in section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992. These clarifications were developed in consultation with the Department of Defense and the Education and Labor Committee.

As a result of these clarifications, each year in conjunction with the President's budget for the next fiscal year, the Secretary of Defense and Energy shall assess which defense programs, if any, in their jurisdictions are proposed to be terminated or substantially reduced in the budget. As soon as practicable after the budget is submitted, but not later than 180 days after such date, each Secretary shall notify each affected prime contractor of such proposed termination or substantial reduction. That notice must also be published in the Federal Register.

Once the Appropriations Acts pursuant to the President's budget are enacted, the Secretaries of Defense and Energy are required again to evaluate which of their programs would be terminated or reduced. Once that evaluation has occurred, notice shall be provided to each prime contractor, the Secretary of Labor, and through publication in the Federal Register.

In these cases, the contractor must then provide notice to major subcontractors.

Under this provision, the contractors and subcontractors receiving the above notice may not terminate the employment of an individual as a result of such actual terminations or substantial reductions until six months after the date on which the contractor or subcontractor provides written notice of the intent to terminate such individual. That notice must be provided to each individual, to the State dislocated worker unit under the Job Training Partnership Act, and to the chief elected local official of the unit of government in which the individual resides.

Such notice to individuals defined above will constitute the determination for such employees for the purposes of eligibility for training, adjustment assistance and employment services under section 325 and 325A of the Job Training Partnership Act.

In addition to these changes, the Education and Labor Committee clarified the intent of section 4467(f)(1) of the 1992 Act, to ensure that the Secretary of Labor and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer of both real and personal property under the control of the Secretary of Defense that is in surplus or in excess of current and projected requirements of the Department of Defense. This practice will occur notwithstanding title II of the Federal Property and Administrative Services Act of 1949 and any other provision of law. This will permit programs serving the economically disadvantaged, such as Job Corps, to receive this property free of charge for use in its activities.

Also included is important legislation originally introduced by Representative PELOSI which provides grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults.

Mr. ABERCROMBIE. Mr. Chairman, I would like to take this opportunity to elaborate and explain the unique situation we have in Hawaii regarding ceded lands. At the end of this statement I will insert for the record an excellent historical summary of the State of Hawaii and its ceded lands prepared by the Congressional Research Service. I would like to highlight this summation and explain my efforts in the House Armed Services Committee.

As far back as 1898 in the Act of Cession and Annexation the most important constraints on the disposition of Federal land holdings in Hawaii were imposed by: First, the declaration that Federal land holdings in Hawaii were "not subject to Federal laws concerning public lands then existing," and second, the assertion that "Congress would enact special laws for their management and disposition." Thus, from the earliest act creating the Territory of Hawaii, Congress set the precedent of making special laws concerning Federal land holdings in Hawaii.

Then in 1920 Congress passed the Hawaiian Homes Commission Act which set aside available lands as Hawaiian Homelands. This act created the Hawaiian Home Commission. These lands, as defined by the act, were to be leased to and for the benefit of native Hawaiians.

Any lands not leased by the Hawaiian Homes Commission were to resume status as public lands. As public lands they would come under the auspices of the State of Hawaii.

The Admissions Act of 1959 created the State of Hawaii and granted it title to all public property within the boundaries of the State at the time of admission except:

Lands set aside pursuant to law for the use of the United States under any Act of Congress, Executive order, Presidential proclamation, or proclamations of the Governor of Hawaii.

The Admissions Act went on to state that within 5 years each Federal agency having control over any land or property retained by the United States pursuant to this section shall report to the President the facts regarding the continued need for such land or property, and if the President determines that the "land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii."

Further, the lands granted to the State of Hawaii by this section, and lands conveyed to

the State, "shall be held in public trust for the support of the public schools and other public educational institutions, [and] for the betterment of the conditions of native Hawaiians as defined by the Hawaiian Homes Commission Act as amended."

On June 12, 1961, Attorney General Robert Kennedy responded to a request for an interpretation of section 5 of the Hawaii Statehood Act which required the Federal Government to identify lands no longer needed for any Federal purpose and to transfer title of those lands to the State of Hawaii.

The specific question addressed by the Attorney General was whether property acquired by the United States—for example, through purchase or condemnation—after the date of annexation was subject to the requirements of the Statehood Act.

The Attorney General characterized property acquired by the United States under the Resolution of Cession and Annexation as ceded property. In his ruling regarding lands acquired after annexation the Attorney General affirmed the "congressional purpose to convey to the State of Hawaii and its subdivisions the ceded property and territorial property * * * and as much of the territorial and ceded property which had been set aside as would not be required by the United States * * * and therefore could be returned to the State of Hawaii."

As time went by and 5 years came to a close since passage of the Admissions Act, Congress further amended the Admissions Act by passing the Revision of Procedures of the Conveyance of Certain Lands to the State of Hawaii. (Public Law 88–223) The Revision Act stated that after August 21, 1964 "whenever ceded lands are determined to be surplus property by the head of the department or agency exercising administration or control over such lands and property they shall be conveyed to the State of Hawaii."

The act goes on to outline how the lands or property should be conveyed and that these lands should then be considered a part of the public trust established by the Hawaiian Homes Commission Act of 1920. Thus, ceded lands no longer needed and then returned to the State are then to be administered as Hawaiian Homeland under the Hawaiian Homes Act.

Mr. Chairman, I hope that this clarifies the process of disposing of ceded lands in the State of Hawaii. Dating back from the resolution of Cession and Annexation, Congress has stated that Federal lands in Hawaii are special and "that existing laws of the United States relative to public lands shall not apply to such Hawaiian Islands." The special and unique nature of these ceded lands has been affirmed through the 20th century by the Hawaiian Homes Commission Act, the Admission Act, Attorney General Kennedy's ruling, and the Revision Act.

All of these have determined that the lands set aside for the Federal Government should be returned to the State of Hawaii for the benefit of the native Hawaiian people.

Mr. Chairman, you can see that my efforts are not to cause disruption, but rather to give the Hawaiian people, through their elected representatives, a voice in protecting their rightful and lawful interest in Hawaii's ceded lands. This is a singular and special situation applicable only to Hawaii. Because of the unique situation in Hawaii this proposal is the best way to provide for the national disposition of ceded lands while protecting the interests of native Hawaiians, the State of Hawaii and the Federal Government.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 9, 1992.

To: Hon. Neil Abercrombie.
From: American Law Division.
Subject: Constraints On The Disposition Of Federal Land Holdings In Hawaii Used By The Military, Especially As Applied To Transfers To The State Of Hawaii Or To A Political Subdivision Of Hawaii.

The United States Government owns land in many States of the Union, including in Hawaii. In general, dispositions of federally owned lands are subject to a variety of constraints imposed under federal law. There are, however, several constraints on dispositions of federally owned land which are unique to land situated in Hawaii. Those constraints imposed by federal law that are uniquely applicable to federal lands in Hawaii are examined in the discussion which follows. They are examined in chronological order.

RESOLUTION OF CESSION AND ANNEXATION

Prior to European contacts, Hawaii had a monarchical form of government. The monarchy was overthrown and a Republic of Hawaii was created not long before Hawaii became a Territory of the United States. The transfer of sovereignty over the Hawaiian Islands from the Republic of Hawaii to the United States was accomplished through passage of the so-called "Newlands resolution," a joint resolution of the United States Congress more formally referred to as the Resolution of Cession and Annexation of the Hawaiian Islands as a Territory of the United States.[1]

The relevant language included in the Resolution of Cession and Annexation is, as follows:

"Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America . . . and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled*, That said cession is accepted, ratified, and confirmed . . .

* * * * *

"The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes."

It seems appropriate to identify the most important constraints on the disposition of federal land holdings in Hawaii stated in the foregoing language. The two most significant rules are (1) the declaration that federal land holdings in Hawaii were not subject to federal laws concerning public lands already then existing and (2) the assertion that Congress would enact "special laws for their [*i.e.*, 'federal land holdings'] management and disposition."

HAWAIIAN ORGANIC ACT

The function served by so-called "organic acts" of United States Territories and Possessions is essentially the same as that served by the constitution in the case of a State of the Union. Fundamental law with respect to the organization of government, the separation and vesting of legislative, judicial, and executive powers, and general constraints on governmental authority are all set out under such laws. The organic act for the Territory of Hawaii[2] included relevant provisions to the following effect:

"SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws . . . relating to the following subjects are hereby repealed:

"CIVIL LAWS:

* * * * *

sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands . . .

"SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and ninety-nine, are hereby ratified and confirmed.

* * * * *

"And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided:* There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States."[3]

1904 OPINION OF THE ATTORNEY GENERAL

On July 23, 1904, the Attorney General responded to a question submitted by the Secretary of War asking whether the United States has acquired "complete" title to the Kahauiki Military Reservation on the Island of Oahu.[4] Attorney General Moody first cited the Resolution of Cession and Annexation as having ceded and transferred to the United States "all public, Government, and Crown lands." He then cited a sundry appropriations Act of June 28, 1902, which included a paragraph making appropriations for "miscellaneous objects" of the War Department. That paragraph included a proviso to the effect that "the Secretary of War is authorized

Footnotes at end of article.

to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post."[5] Finally, noting that the land in question had, evidently at the time of the cession and annexation, been public land leased to individuals and that the leases had subsequently been acquired by the Secretary of War, the Attorney General concluded that the United States' title to the lands was "now complete."

HAWAIIAN HOMES COMMISSION ACT, 1920

The organic act for Hawaii was amended by legislation which created a so-called "Hawaiian Homes Commission."[6] This legislation included numerous provisions relevant to the instant discussion. Among them are the following:

SEC. 203. All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to, as "available lands";

[The follows here a list of numerous parcels of land.]

* * * * *

SEC. 204. Upon the passage of this Act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission to be used and disposed of in accordance with the provisions of this title, except that—

(1) For a period of five years . . . [only certain specified lands could be disposed of by the commission] . . . and none of the remaining available lands . . . shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States,

SEC. 207. (a) The commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian home lands within the following acreage limits:

* * * * *

[There follow various descriptions of acreage limits.]

* * * * *

(b) The title to lands so leased shall remain in the United States.

* * * * *

SEC. 211. The commission shall, when practicable, provide from the Hawaiian home lands a community pasture adjacent to each district in which agriculture lands are leased, as authorized by the provisions of section 207 of this title.

SEC. 212. The Commission may return any Hawaiian home lands not leased . . . to the control of the commissioner of public lands. Any Hawaiian home lands so returned shall . . . resume and maintain the status of public lands in accordance with the provisions of the Hawaiian Organic Act and the Revised Laws of Hawaii of 1915, except that such lands may be disposed of under a general lease only.

* * * * *

SEC. 223. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this title.

THE ADMISSION ACT

The Act providing for admission of Hawaii into the Union as a State[7] included the following relevant language:

Sec. 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State . . . subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That . . . (3) . . . all proceeds and income from the "available lands", as defined by said Act shall be used only in carrying out the provisions of said Act.

Sec. 5.

* * * * *

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by . . . this section and public lands . . . later conveyed to the State . . ., together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provisions of lands for public use.

ACT AMENDING FEDERAL LAWS TO ACCOUNT FOR ADMISSION OF HAWAII AS A STATE

Two provisions of the Act "to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union"[8] are relevant for present purposes. They are, as follows:

Hawaiian Homes Commission lands

SEC. 41. Section 5(b) of the Act of March 18, 1959 (73 Stat. 5) [*i.e.*, the Admission Act], is amended by inserting, immediately following the words "public property" the words ", and to all lands defined as 'available lands' by section 203 of the Hawaiian Homes Commission Act, 1920, as amended,".

Lease by United States of public property of Hawaii

SEC. 42. Until August 21, 1964, there shall be covered into the treasury of the State of Hawaii the rentals or consideration received by the United States with respect to public property taken for the uses and purposes of the United States under section 91 of the Hawaii Organic Act and thereafter by the United States leased, rented, or granted upon revocable permits to private parties.

1961 OPINION OF THE ATTORNEY GENERAL

On June 12, 1961, Attorney General Robert Kennedy responded to a request which had originally been made by President Eisenhower for an interpretation of section 5 of the Hawaiian Statehood Act (Public Law 86–3), focusing specifically on which lands then being held by the United States Government were subject to a provision in section 5 that required the Federal Government, within five years after Hawaii's admission as a State, to identify lands no longer needed for any federal purpose and to transfer title to those lands to the State of Hawaii.

Under subsection (a) of section 5 of the Statehood Act, the state government (and its political subdivisions) succeeded to the title of the territorial government (and its subdivisions) in those "lands and other properties" in which the territorial government (and its subdivisions) held title immediately before admission. Under subsection (b) of section 5 of the Statehood Act, the state government was granted title by the United States to "all the public lands and other public property" in which the United States held title immediately before admission. Subsection (c) of section 5 of the Statehood Act created an exception to the two special rules set out under subsections (a) and (b). According to this exception, any "lands and other properties" that, as of the date of admission, had been "set aside" for use by the Federal Government pursuant to an Act of Congress, an Executive order, a proclamation of the President, or a proclamation of the Governor, would remain federal property (subject only to whatever limitations might be specified in the Act, order, or proclamation, as the case might be). Under subsection (d) of section 5 of the Statehood Act, in the case of any "public lands or other public property" title to which was granted by the United States to the State of Hawaii under the rule set out in subsection (b), if those lands or other property were controlled by the United States immediately before admission under a permit, a license, or by permission, of the territorial government, then, at any time within five years after admission, those lands or other property could be "set aside" for use by the United States by an Act of Congress or an Executive order of the President and would thereafter be the property of the United States. Subsection (e) of section 5 of the Admission Act was of crucial significance for purposes of Attorney General Kennedy's opinion. It imposed an obligation requiring every Federal agency controlling any "land or property" retained by the United States under either subsection (c) or

subsection (d) of section 5 to report to the President within five years after admission with respect to their continued need for the land or other property. If the President then decided that no continuing need existed, the land or other property was to be conveyed to the State of Hawaii.

The specific question addressed by the Attorney General was whether property acquired (*e.g.*, through purchase or condemnation) by the United States *after* the date of annexation (*i.e.*, what the Attorney General, described as "afteracquired property") was subject to the reporting and conveyance requirement of section 5(e) of the Statehood Act. The Department of Defense and the General Services Administration held the position that such afteracquired property was not subject to section 5(e) while the Department of the Interior and the State of Hawaii held the position that it was. The Attorney General's opinion stated, in relevant part, that:

The complex provisions of section 5 are indicative of a congressional purpose to convey to the State of Hawaii and its subdivision the ceded property[9] and territorial property which had not been set aside[10] at the time of admission of Hawaii into the Union, and as much of the territorial and ceded property which had been set aside as would not be required by the United States within five years after admission. The statutory plan thus is for the new State to obtain title to the property acquired by the United States from the Republic of Hawaii and from the Territory to the extent that it had not been taken for the uses and purposes of the United States, and to determine during the following five years the extent to which set aside property no longer would be needed by the United States and therefore could be returned to the State of Hawaii. Underlying this plan is the reservation contained in the Joint Resolution of Annexation (*supra*, n. 3) that the ceded lands not needed by the United States should be used for the benefit of the inhabitants of the Hawaiian Islands. It seems plain that the afteracquired property of the United States,[11] *i.e.*, property not obtained from the Republic of Hawaii or from the Territory, does not find any place in this statutory design.[12]

REVISION OF PROCEDURES FOR CONVEYANCE OF CERTAIN LANDS TO THE STATE OF HAWAII

An Act for the revision of "procedures established by the Hawaii Statehood Act ... for the conveyance of certain lands to the State of Hawaii"[13] stated, in relevant part, that:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a)(i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(g) of Public Law 86-3 (73 Stat. 4,6) [*i.e.*, the admission Act], or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such terms and conditions as the Administrator may prescribe: *Provided*, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

SEC. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of [*sic*] public trust established by section 5(f) of Public Law 86-3, and shall be subject to the terms and conditions of that trust.[14]

SPECIAL RULE FOR FORT DE RUSSY

A special constraint on the disposition of lands comprising part of Fort De Russy was included in a military construction authorization bill in 1967.[15] This constraint was stated, as follows:

SEC. 809. Notwithstanding any other provision of law, none of the lands constituting Fort De Russy, Hawaii, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

As the foregoing discussion makes clear, the constraints imposed by federal law on dispositions of federally owned land situated in Hawaii are numerous and complex. A key consideration to be taken into account in assessing which might apply to a particular piece of property is how title to the property was acquired by the United States.

ROBERT B. BURDETTE,
Legislative Attorney.

FOOTNOTES

[1] See Joint Resolution No. 55, 55th Congress, 2d Session, 30 Stat. 750 (July 7, 1898).

[2] See "An Act to provide a government for the Territory of Hawaii," Chap. 339, 31 Stat. 141 (1900).

[3] *Ibid.*, at pages 142 and 154-55.

[4] See 25 Op. Atty. Gen. 225.

[5] See 32 Stat. 419, 464-465.

[6] Chapter 42, 67th Congress, 1st Session (1921), 42 Stat. 108 (July 9, 1921).

[7] The Hawaiian Statehood Act, Public Law 86-3, 86th Congress, 73 Stat. 4 (March 18, 1959).

[8] Public Law 86-624, 74 Stat. 411 (July 12, 1960), known as the Hawaii Omnibus Act.

[9] Earlier in the opinion, the Attorney General had characterized property acquired by the United States under the Resolution of Cession and Annexation (or in exchange therefor) as "ceded property" for purposes of the analysis.

[10] Earlier in the opinion, the Attorney General had noted that, following annexation, the Territory of Hawaii obtained title to property in two ways: some property was conveyed to the territorial government by direction of the President under the terms of the Organic Act and some property was purchased by the territorial government after the date of annexation. The opinion also explained that some property of both types was "set aside" by the territorial Governor under the terms of the Organic Act for the use of the United States. Title to property which was acquired after the date of annexation by the territorial government and which was not subsequently "set aside" for the use of the United States was retained by the Territory as of the date of admission.

[11] That is, property acquired by the United States through purchase or condemnation after the date of annexation.

[12] See 42 Op. Atty. Gen. 43, 53.

[13] Public Law 88-233, 77 Stat. 472 (December 23, 1963).

[14] Emphasis added.

[15] Section 809 of Public Law 90-110, 81 Stat. 279, 309 (October 21, 1967).

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, the Committee rises.

□ 1800

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unavoidably detained during Rollcall No. 418, the Schroeder amendment to the Defense Department authorization bill, and did not cast a vote on this amendment. The Schroeder amendment calls on the Base Closure and Realignment Commission to include foreign bases in its recommendations. For the RECORD, I would like to announce that I would have voted "aye" on this amendment.

Mr. HYDE. Mr. Speaker, I was unavoidably absent for several rollcall votes and I would like to submit for the RECORD how I would have voted had I been present:

Rollcall No. 415, Dellums amendment, "no."

Rollcall No. 416, Abercrombie amendment, "no."

Rollcall No. 417, Bryant amendment, "no."

Rollcall No. 418, Schroeder amendment, "no."

Rollcall No. 419, Lloyd amendment, "yes."

Rollcall No. 420, Frank amendment, "no."

Rollcall No. 421, Hansen amendment, "yes."

Rollcall No. 422, Andrews (ME) amendment, "no."

Rollcall No. 423, Walker amendment, "yes."

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the actions thus far taken on the bill, H.R. 2401, National Defense Authorization Act for Fiscal Year 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE HONORABLE FRANK PALLONE, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRANK PALLONE, Jr. a Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Municipal Court, Monmouth County, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK PALLONE, Jr.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the rules of the House that a member of my Committee staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

COMMUNICATION FROM THE DOORKEEPER OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Doorkeeper of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

JAMES T. MOLLOY,
Doorkeeper.

APPOINTMENT OF CONFEREES ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION TO INSTRUCT CONFEREES

Mr. LIGHTFOOT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Lightfoot moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2403 be instructed to insist on the House position on amendment numbered 38, to insist on disagreement to the Senate amendment numbered 39, to insist on disagreement to the Senate amendment numbered 43 for only that part of the amendment on pages 32 lines 8 through 15, to agree to the Senate amendment numbered 44, and to insist on disagreement to the Senate amendment numbered 45.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to keep this very brief, in essence our instruction to recommit basically in instructing the conferees to concur with the House's position on the Treasury/Postal bill, and in doing so we feel it is appropriate at this point in time that we continue with the House position, and basically what we are talking about is about $2.8 million. It is not a huge amount of money, but at the same time we have to step off, I think, in the right direction. We are talking about reinventing Government. One of the things that is foremost is obviously to cut down on spending and overlap of jurisdiction. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct covers several amendments in disagreement. It instructs the managers on the part of the House to insist on the House position regarding the consolidation of the Office of Federal Procurement Policy and the Office of Management and Budget.

The motion would also instruct the managers on the part of the House to insist on the House position which eliminates all funding for both the administrative conference of the United States and the Advisory Commission on Intergovernmental Relations. Finally, the motion instructs the managers on the part of the House to agree to the Senate amendment which rescinds funds for the citizens Commission on Public Service and Compensation.

Mr. Speaker, I believe that the House conferees should be given the maximum flexibility in conference and, therefore, I oppose the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in opposition to the motion.

The Administrative Conference of the United States [ACUS] has been in existence for nearly 30 years. The view that the important role performed by this agency is somehow no longer needed and no longer relevant is simply a mistaken notion. A decision to eliminate all funding for the Administrative Conference in fiscal year 1994 would, in my view, be "penny-wise and pound-foolish."

The Administrative Conference provides unique, expert advice to the executive branch, the independent regulatory agencies, the Federal courts, and to the Congress. As a member of the Judiciary Committee, I have frequently relied on the Conference's expertise in drafting and formulating legislation. It is the only entity in the U.S. Government which focuses on administrative law, in all of its many facets. Decisions made as part of the Federal regulatory process—the regulations that are adopted and the cases that are adjudicated—as we all know have a tremendous impact on the substantive direction of important public policy issues. We are talking here about health, education, public safety, the environment, transportation and consumer protection—just to cite a few areas impacted by Federal administrative procedure and regulatory enforcement.

The Administrative Procedure Act was passed by Congress to ensure that due process rights are accorded to individuals and to organizations when Federal regulations are promulgated and when cases are adjudicated. The Administrative Conference provides a forum for the resolution of questions relating to administrative fairness and uniform regulatory enforcement.

Many recommendations made over the years by the Administrative Conference have been enacted into law or

have been implemented under existing statutory authority by the various departments and agencies. For example, ACUS has had a major role in the adoption and/or implementation of such laws as the Equal Access to Justice Act, Superfund, the Contract Disputes Act, the Fair Housing Act, the Regulatory Flexibility Act, the Government in the Sunshine Act, the Negotiated Rulemaking Act, and the Administrative Dispute Resolution Act.

It is particularly ironic that advocates for the elimination of the Administrative Conference would cite the savings of taxpayer dollars. As we all know, ACUS is an exceedingly small agency with a modest budget—$2.3 million in fiscal year 1993. But, even more compelling, is the fact that the pivotal role played by the Administrative Conference actually saves the taxpayers money. For example, in 1990, the Congress assigned ACUS the key role of coordinating and promoting alternative dispute resolution [ADR] mechanisms among over 80 Federal departments and agencies. The installation of ADR systems within the Federal Government has already led to significant cost savings. The Labor Department established a pilot program last year for OSHA and wage and hour cases—those cases are now resolved quicker and cheaper. The Federal Deposit Insurance Commission [FDIC] estimates that it has saved over $4 million annually based upon the installation of the ADR. Similarly, the Farmers Home Administration has used the ADR on foreclosure cases—not only saving money but actually preventing foreclosures on several farm families.

The role of the Administrative Conference is an ongoing one and it is needed. This Congress very soon will be called upon to deal with the complex issue of Health Care Reform and respond to the challenge presented by the report of the National Performance Review. Mr. Speaker, I submit that the Administrative Conference could again play a pivotal role with respect to both of these important matters. This is not the time to ignore the importance of administrative law or to do away with experts in the Federal regulatory process.

□ 1810

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Speaker, I rise in strong opposition to this motion to instruct Treasury appropriations conferees on the matter of funding for the Administrative Conference. The motion would encourage this body to exterminate a small agency that plays an important ongoing role in helping to improve the operations of the Federal Government. It is not a little ironic that the motion comes during the same week that the administration's national performance review has been unveiled which attempts—on a broader scale—to do across the Government precisely what the Administrative Conference does in streamlining agency procedures.

The Administrative Conference, a $2.3 million operation, provides advice and assistance on a continuing basis to Federal agencies charged with the implementation of new laws and regulations—to help those agencies improve and simplify their regulatory, enforcement, and adjudicatory functions. The agency also assists Congress by recommending or analyzing legislative changes intended to increase the efficiency and fairness of agency procedures.

In short, the Administrative Conference acts as an ongoing mini-national performance review in its area of expertise, just as the administrative office of the Judicial Conference does in overseeing the operations of the judiciary.

Because of its vital mission, the administration opposes defunding the Administrative Conference. Indeed, the administration supports fiscal year 1994 funding for this agency at a level higher than the Senate's $1.8 million.

Authorization for the Administrative Conference expires on September 30, 1994. The Judiciary Committee intends next year to thoroughly examine the agency's functions. That is the appropriate time and the proper forum to make determinations on the role and usefulness of the Administrative Conference. I strongly urge my colleagues to vote against this motion.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of the committee.

Mr. ISTOOK. Mr. Speaker, I rise in support of this motion. The motion simply asks the conferees to consistently uphold the position already taken by this House in defunding several small agencies that provide services which duplicate those that are or could be performed elsewhere within the Government.

For example, regarding the Administrative Conference, their oversight function is basically to help other agencies to coordinate. That function dealing with Federal regulations and administrative oversight can be performed within the Department of Justice. It can be performed within the Office of Management and Budget which has subdivisions for an Office of General Management and also an Office for Informational and Regulatory Affairs.

This is a case of duplication of services, Mr. Speaker, and if we are serious about trying to restrict the amount of Federal spending to bring down the Federal Government to size, if on the one hand we have responded favorably to the Government re-invention initiatives of the Clinton administration and Vice President GORE, then to be consistent we have to vote that way.

When we have Federal agencies that provide duplicative efforts, then we need to do away with those agencies and roll them up into the others that are doing the same job or can do the same job without extra personnel, without extra rent, without extra fringe benefits, without extra personnel policies, without extra budgets.

The dollar amount here is fairly small, Mr. Speaker, in the scope of the national budget. It is $7 million, but it is important to inform the public whether or not we are serious about down sizing the Federal Government. If we are serious, we should vote the same way that we already voted previously in this House, in favor of this motion to instruct conferees. If we vote any other way, we are backing down. We are sending a message to the taxpayers around the country that we did not mean it when we said that we wanted to save their money and be more economical.

Mr. Speaker, I urge a vote in favor of the motion.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I just rise to express my concerns about the proposal to eliminate all funding for the Office of Federal Procurement Policy, which is a very important agency at this juncture, particularly as we are about to go in to a major overhaul of Federal procurement policy.

This agency has done a vital role. It has not done things perfectly. It has made mistakes, but I think we perceive it in the Committee on Government Operations as the vehicle which can be used to effect the very reforms which this administration is talking about; so to eliminate all funding for it, which would be tantamount I think to seeing it disappear as an element of expertise within the Office of Management and Budget to deal with these serious procurement reforms that we have to have ongoing, I think causes me some concern.

I have discussed this matter with the gentleman from Iowa [Mr. LIGHTFOOT], the ranking member of the subcommittee, and with the gentleman from Maryland [Mr. HOYER]. They assure me that they will work with us to discuss this, because I think we are all agreed that we do not want to lose the expertise we have. We want to build on what is there because if we are really serious about procurement reform, this group,

the Office of Federal Procurement Policy, is the place where we can get those kind of reforms.

So with that, Mr. Speaker, I yield back the balance of my time, with the assurance that I have from my friends that they will discuss this matter with us.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the gentleman from Oklahoma and the gentleman from Iowa obviously have in mind reducing government spending. They have no greater ally in that overall movement than this Member; but I say to you with as much power as I can that this particular program breeds that kind of action by this agency that can save taxpayers' money only if it does what its main function is to do, and that is to provide alternative means of dispute allocation so that it can prevent litigation.

I have been personally involved in some of the oversight for this particular agency and have learned firsthand that in stopping certain suits and preventing others, we can save the taxpayers countless dollars. On this premise and on this premise alone, I feel it is justified to conserve this particular program.

Remember, I want to reduce the deficit. I want to reduce spending, but if we are going to throw out an agency who has as one of its tenets to save taxpayers' money by providing other means of dispute regulation, then we ought to be considering preserving this agency, not throwing it out.

Mr. LIGHTFOOT. Mr. Speaker, we have no further requests for time, and I yield back the balance of the time.

Mr. HOYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The question is on the motion to instruct offered by the gentleman from Iowa [Mr. LIGHTFOOT].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOYER, VISCLOSKY, DARDEN, OLVER, BEVILL, SABO, NATCHER, LIGHTFOOT, WOLF, ISTOOK, and MCDADE.

There was no objection.

□ 1820

NATIONAL POW/MIA RECOGNITION DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 126) designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered, and, Mr. Speaker, as the chief sponsor of House Joint Resolution 219, I rise in support of this legislation to designate tomorrow, Friday, September 10, 1993, as "National POW/MIA Recognition Day." As the sponsor of this important resolution, I am proud that my colleagues who have cosponsored this measure have provided the opportunity for our Nation to support our courageous servicemen of the Vietnamese conflict whose fates are still not determined.

Mr. Speaker, I believe that the passage of this measure is important. At a time when our Government has been discussing options which would further expand our relations with China and Vietnam, we, as a nation must demonstrate to the families of those who are presumed missing in action that we have not forgotten their loved ones whose fates are uncertain. Designating September 10, 1993, as National POW/MIA Recognition Day does just that.

Because the Government of Vietnam has information on Americans who are presumed to be prisoners of war or missing in action, I continue to oppose the normalization of relations with Vietnam, until all remaining questions have been answered, and our Government has received a full accounting of those who are prisoners of war or missing in action.

I am concerned that information that has recently come to light indicates that North Vietnam may have made available captured United States airmen to China or the former Soviet Union for interrogation or for holding them. Both countries have always denied this. However, newly declassified United States intelligence reports and a 1967 document from the Soviet Embassy in Hanoi, discloses that the Chinese and the Soviets had access to captured United States airmen and to downed United States aircraft. While no returned POW's have reported being held in China, several of the intelligence documents specifically mention camps which were used to detain United States prisoners.

Based upon this new sensitive information, I believe that Vietnam and China must be more forthcoming on this issue—especially before the United States joins in any business-as-usual relationship.

Of late, there has been a great deal of pressure to put the Vietnam war behind us. Many suggest that by extending the most-favored-nation status to China and by normalizing relations with Vietnam, our Nation would gain economically, and our balance of trade would be improved. I disagree. We must not simply go on with normalization. We must learn from our history, and teach these lessons, so that future generations will not repeat yesterday's mistakes.

Furthermore, I believe that if and when most-favored-nation status is given to China, and once relations are normalized with Vietnam, any leverage that the United States has, with regards to the POW/MIA issue, will disappear.

While we may not all agree on the course that our future relations with China and Vietnam should take, we do all agree that we must not forget those still presumed to be prisoners of war or missing in action. By supporting House Joint Resolution 219, we will appropriately honor those who have given so much for the freedom and liberty that we enjoy today.

Mr. Speaker, this is the 21st year that I have cosponsored this legislation. And, I am hopeful that 1993 will be the last year that such a resolution will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave Americans whose fates, at this time, are unknown.

Accordingly, I urge my colleagues to join me in recognizing America's heroes, those who are presumed missing in action, by designating September 10, 1993, as National POW/MIA Recognition Day. I invite all Americans to unite in demonstrating that we will not forget nor forsake those whose fates are unknown.

On Friday, September 10, 1993, let us proudly display the National League of Families POW/MIA flag.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules who at one time served as the chairman of our task force on MIA's and POW's.

Mr. SOLOMON. Mr. Speaker, I really thank the gentleman from New York [Mr. GILMAN] for yielding to me, and I want to really commend the gentleman for bringing this resolution to the floor of this House. For the past 15 years I have served on the task force for POW/MIA's on which I had the privilege of serving for a number of years along with the gentleman when he was chairman as well.

I say to the gentleman, "I recall the time that you and I, and Mr. DORNAN, as a matter of fact sitting on the other side there, when we went to a place

called Hanoi in a place called Vietnam, and we sat across the table from these Communists and actually did something I never thought I would do, and I know you and Mr. DORNAN never thought you would do, and that is to literally beg for the return, not only for live POW's, but for the basic remains of our fallen soldiers, and it's always been a policy of this country that we would not forget these men and women who served in the United States armed forces and who gave their lives for their country."

Mr. Speaker, we must account for them. We are still doing it.

Just the other day we celebrated in this country the 40th anniversary of the end of the Korean war. We still have members of the Armed Forces missing from that war, and, as a matter of fact, in just recent months have brought home some of the remains of fallen soldiers from that war that happened over 40 years ago. We must continue our vigilance.

Mr. Speaker, I want to just commend the gentleman from New York [Mr. GILMAN] from the bottom of my heart for all he has done in this effort. We will not forget these men and women who literally are the reason why we are the greatest and freest Nation in the world today, and I commend the gentleman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his kind supporting remarks and for his diligent efforts over the years in trying to obtain a full accounting.

Mr. Speaker, further reserving the right to object, I yield to our good friend, the gentleman from California [Mr. DORNAN], who also has served for a number of years on this issue on both the task force and in many other capacities in trying to find a final solution to the missing.

Mr. DORNAN. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] and say to him, "BENJAMIN, you have brought great honor to this body never forgetting these men."

As my colleagues know, Mr. Speaker, this Congress, the last Congress, the 102d Congress, and the next Congress, the 104th, are in a position to remember the 50th anniversary of all the great and climatic events of World War II. Today, September 9, 1993, is the 50th anniversary of our young men forces landing on the Italian mainland. They had gone through a horrible July and August 50 years ago freeing Sicily from German and Italian Fascist rule. Yes, 50 years ago the wiser heads in the Italian Government signed a separate surrender and peace treaty with the Allied Forces. The Salerno landings were opposed viciously by German forces. We had one battalion, the 2d Battalion from the 143d Army, 36th Division, absolutely decimated, and the words jumped at me off the page when I was reading this this morning: 450—some men missing in action, and some of them turn up in POW camps, some of them were accounted for, but at least in Italy one could walk the battlefields as in Europe later, as in most of the South Pacific, and, except for young men lost at sea, we could find the remains, we could find unmarked graves or graves in registration. People would bend over backwards to identify them.

I say to my colleagues, "When you walk away from a situation, as we did from Vietnam in 1973, and then watch the collapse to communism in 1975, we didn't have control of the battlefield as we did after World War I and after World War II. It was more like North Korea where thousands and thousands of Americans were buried in unmarked graves, and that story is going to go on for the next decade or two, locating and trying to identify the remains of people in North Korea."

But what is particularly agonizing about Vietnam, and the gentleman and I have sat there, as the gentleman from New York [Mr. SOLOMON] just mentioned, in Hanoi itself, and we begged that Communist government in Hanoi to come forward on the warehousing of American remains. The gentleman was in the foreign affairs room way back in 1979, 14 years ago, when a Vietnamese citizen, ethnic Chinese background, sat there. Lester Wolf was then chairman of the Asian Pacific affairs, and he passed multiple polygraph lie detector tests. He said that he personally boxed the remains of over 400 American heroes.

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It has finally leaked out from the Intelligence community and has been in the press, it is an open secret, the Vietnamese know it, the Clinton people know it now that they have access to top secret documents, some bodies have obviously come out of the ground, the bones dark brown or blackened, where they sat since the day they died in a plane crash. But other bones have not been interred for more than a year before they were taken out of a grave, cleaned-up, and boxed, and those heroes' remains put on a shelf. Four hundred are still warehoused somewhere in the Hanoi area.

Mr. Speaker, until that government, that Communist government in Hanoi, ends this agony for over 400 American families and gives us the rest of our heroes' remains that have been boxed, then I do not see how any American Government, Republican or Democratic, could ever extend full diplomatic relations to Hanoi.

I have just become aware today of yet another National Endowment for the Arts outrage. They gave some $45,000 to a group in New York called Accountability, that says we have no right to ask for the accounting of our missing in action.

What has that got to do with art or Federal grants? I am going to get to the bottom of that.

I have one final thought. I am looking down at David Hrdlicka's name on my bracelet, shot down May 18, 1965. He was a known POW for 5 years. His son was too young to go to school. He has put in a full Navy career, Dave Hrdlicka, Jr., flying F-18's and is now a senior pilot flying 727's with American Airlines, about to go over to 757's.

Mr. Speaker, to see a whole family suffer this way, and all the kids grow up, and his brother Leo has still not given up, and you have met with Leo in your office, I am going to I guess wear Dave Hrdlicka's bracelet for the rest of my life until I get some sort of accounting out of North Vietnam.

Mr. Speaker, there is no doubt we left live men behind in Laos. The number one prisoner still carried on the books, our one POW from Vietnam, Col. Charles Shelton, April 29, 1965, went down 2 weeks before Dave, they were in a cave together. There are at least two verified intelligence stories that Charlie Shelton escaped, was shot both times, and recovered from his wounds. His wonderful wife Marian, after 25 years of fighting for recognition of his plight, the one American POW, rising in rank to colonel, he was a captain when he was shot down, Marian took her own life October 4, 3 years ago.

Mr. Speaker, the agony just goes on and on. We cannot recognize that Government until they resolve the mysteries of Laos and answer all the mysterious questions on Vietnam. But more than anything else, which is a hard fact, give us the remains of our heroes out of those warehouses, and then maybe we can heal finally some of the remaining wounds of that war. In addition, they must stop the human rights abuses.

Mr. Speaker, I once again thank the gentleman from New York [Mr. GILMAN], and look forward to standing at his side on his recognition day, so that we never ever forget the terrible way that we ended this conflict, leaving all these American families to wonder about the fate of their great heroes who died fighting for freedom, and some of them rotting in a prison cell, and they still might be there. Only God knows.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for his eloquent remarks and for his continued strong support on this issue. I also thank the gentleman from New York [Mr. SOLOMON] and all of my colleagues who join together, over 225 Members, in support of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 126

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 10, 1993, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 31, 1993 (Memorial Day), September 10, 1993 (National POW/MIA Recognition Day), and November 11, 1993 (Veterans Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 10, 1993;

as the symbol of our Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on Senate Joint Resolution 126.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I take this time for the purpose of ascertaining the schedule from the majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, obviously business is finished for today. On Monday, September 13, the House will meet at noon to take up 16 bills on suspension. Recorded votes will be held until after the suspensions are finished; in other words, at the end of the day. We will have a rule vote at around 4 p.m. on an additional amount of amendments on the defense bill. We should be done on that day by 7 or 8 o'clock.

On Tuesday, the House will meet at 10 a.m. to take up again H.R. 2401, the Defense authorization for fiscal year 1994, and we will try to complete consideration. I do not know whether we will or not.

We also have scheduled H.R. 1340, the Resolution Trust Corporation Completion Act, subject to a rule. I am not certain at this point whether or not we will have time to bring that bill up, but it is scheduled.

On Wednesday, September 15, the House will meet at 2 p.m., but there will be no legislative business. We will have a pro forma session.

When the House adjourns on Wednesday, September 15, it will adjourn to meet on Monday, September 20, 1993. Conference reports will be brought up at any time. Any further program will be announced later.

Mr. WALKER. Mr. Speaker, reclaiming my time, I have just a couple of questions. If I understand correctly, the first vote we can expect on Monday will occur at 4 o'clock when we vote on the rule?

Mr. GEPHARDT. The first vote would be on the rule at about 4 p.m. Obviously, there could be additional votes after that on suspensions.

Mr. WALKER. Do we intend to move to the defense bill at all on Monday?

Mr. GEPHARDT. Yes.

Mr. WALKER. And then go on the defense bill until 7 or 8 o'clock that night?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, if I look correctly at the amendments that have been made in order by the third rule on defense, there are 54 amendments, all allocated 10 minutes of time, which would mean we would have 9 hours of debate on those amendments alone, not including any time for votes. That seems to be a pretty large order for us to complete next week, unless we go very, very late on Tuesday night. Is that the intention of the gentleman from Missouri?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, it is my understanding that the chairman of the committee has the authority to bring some amendments in an en bloc fashion, which might be able to shorten the time that it takes to finish the bill. I do not think we will go extraordinarily late on Tuesday. If we can finish it, we obviously want to. If we cannot, we will not.

Mr. WALKER. Mr. Speaker, if I understand the gentleman correctly, it is anticipated we will probably not get to the Resolution Trust Corporation next week.

Mr. GEPHARDT. Mr. Speaker, I think the chance of that is not high.

Mr. WALKER. Also it is my understanding that conference reports are probably ready on the District of Columbia bill and possibly on Commerce, State, and Justice. Is there any chance that we would get to those next week?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, I think the chance of that is not at all likely. It is my understanding that the District of Columbia bill did not even go to conference, did not meet as a conference. So I think the chance of that is not high.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 14, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 13, 1993, it adjourn to meet at 10 a.m. on Tuesday, September 14, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 15, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the

House adjourns on Tuesday, September 14, 1993, it adjourn to meet at 2 p.m. on Wednesday, September 15, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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TRANSFER OF SPECIAL ORDER TIME

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Illinois [Mr. LIPINSKI], on Wednesday, September 15, 1993, be transposed with a special order for the gentleman from New York [Mr. RANGEL].

The SPEAKER pro tempore. (Mr. HILLIARD). Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE ADMINISTRATION'S HEALTH PLAN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Time magazine reported last week that the Clinton administration health plan will cost the loss of as many 1 million jobs over the next 5 years. This report was based not on a charge by some group opposed to the President. According to Time, this estimate of a million job loss came from a computer projection by the President's own staff.

The National Federation of Independent Businesses has estimated a job loss of 1.6 million, if the President goes forward with his health plan. A study by the National Restaurant Association estimates job losses as high as 3.1 million over 5 years due to the proposed health reform.

Everyone knows we need some changes in our health care system, but it is the Federal bureaucracy, rules and redtape that has been the primary cause of rising health care costs.

If we really want health care costs to go down, we need more freedom in the system, not more government. It is easy to say 1 million jobs lost. But to the person who loses his or her job, there is nothing easy about it. We simply cannot afford, Mr. Speaker, a health care plan that causes us to lose 1 million more jobs.

Mr. Speaker, I include for the RECORD the following article:

[From Time magazine, Sept. 6, 1993]

PROGNOSIS: FEWER JOBS

(By Dick Thompson)

While Bill Clinton relaxed on. Martha's Vineyard last week, staff members were sweating and fretting back in Washington, studying computer models for answers to one of the most explosive questions facing his health-care-reform proposal. That question—the subject of a showdown meeting scheduled with the President this week—is, How many jobs will be lost during the long transition to reform?

Clinton has publicly stated that healthcare reform will "boost job creation," a claim that unnerves many of his advisers. What they know—and what some of them fear Clinton has not been told—is that the Administration's own preliminary computer-aided studies of the "employment effects" of health reform predict "significant" job losses.

Time has learned that according to one computer run, the plan would slow net employment growth by as many as 1 million jobs over the next five years. Other Administration forecasts—based on computer simulations of the U.S. economy at various government departments and the Urban Institute, a Washington think tank on contract to the White House—have produced lower estimates of job losses, sources said. But they do not support Clinton's claims of job gains.

Sources caution that these forecasts resulted from a draft of the health-reform plan that is still being refined, and was tested on an econometric model that included "faulty assumptions" about the ways in which employers, workers and health-care providers are likely to respond to healthcare reform. Still, these estimates—and others by independent economists who predict job losses in the 200,000-to-600,000 range—galvanized Clinton's health-reform advisers last week into a crash program to refine both their computer models and the health-care plan in order to minimize their forecast of unemployment. Says a worried official: "The jobs issue is probably the most sensitive one we face in health-care reform."

Privately, several of the President's advisers contend that the current runaway spending on public and private health care is a growing burden on the economy, which, like a surgical patient who must feel worse before he can get better, might need to endure modestly higher unemployment for several years as the price of reform. Trouble is, Clinton has not prepared the public for any sacrifice. He and his top health-care strategist, Ira Magaziner, have been selling health-care reform as a four-course free lunch. Everyone will be covered. It won't require new taxes. It will immediately boost job creation. And it will immediately reduce the federal deficit. "Several of us," says a political adviser to Clinton, "are worried that we're creating expectations for health care that can't be met."

No business will be required to pay more than 7.6% of its total payroll for health insurance. For big companies, such as automakers, which now pay about 19%, the potential savings would provide an incentive to hire new workers. But for small firms that now provide no health insurance, the requirement will add to the cost of labor. Some of these firms will cover the cost by cutting profits, raising prices, withholding raises or extending overtime hours. But many firms will not have these options. Most vulnerable are enterprises like restaurants and farms, which employ many of the nation's 4.8 million minimum-wage workers and often operate with slim profit margins. For them, cutting jobs may be the only option. The National Federation of Independent Business has estimated that 1.6 million jobs will be lost over five years. A new study, financed by restaurant owners, forecasts losses of 3.1 million.

The White House rejects these figures as flawed because they don't sufficiently account for jobs created in firms that save money through lower insurance costs and because they are based on false assumptions about the tightly guarded reform plan. The next computer runs, to be conducted on the Urban Institute's microsimulator (called TRIM, for Transfer Income Simulator), will include various "transition subsidies" designed to minimize job losses for small businesses and low-income employees. His advisers plan to present Clinton with four options this week for easing the transition, but one official said they were having trouble designing subsidies that were not "a nightmare to administer."

Hillary Clinton, who heads the health-care-reform effort, is committed to a rapid phase-in, by January 1996, for universal coverage and a generous basic-benefits package—through few others believe this schedule is realistic. She has waved off warnings of job losses as the propaganda of greedy business interests. Her strong views and assiduous hunting of suspected leakers have exerted what one official describes as a "chilling effect" in sessions she attends. Nevertheless, at a recent meeting, her colleagues report that Laura Tyson, chair of the President's Council of Economic Advisers, cautioned that once the plan is released, respected outside economists will run it through standard econometric models, which will probably show job losses, "and some of those numbers might be big."

Clinton health-care planners have tried to address the concerns raised by small business, which enjoys great influence in Congress. They emphasize that under the proposal, the smallest businesses will pay as little as 3.5% of their payroll for insurance, rather than the 7.6% top rate, with taxpayers subsidizing the rest. And the smallest businesses will be allowed a slower phase-in of the new expense. Insists Magaziner: "We think we can do this without having a negative employment effect." Magaziner, backed by Hillary Clinton, has so far insulated the President from international assessments that might challenge his rosy scenario. But that, officials say, will change in the meeting scheduled this week.

Many small-businesses owners who want to provide health coverage for their workers will back reform because the current situation inflicts large and growing hundreds on them. Audrey Rinker, owner of a graphics shop in New Port Richey, Florida, has been denied coverage by three insurance companies because her workers have pre-existing illnesses. Says Rinker: "We need something done right now." Even when they can get insurance, small companies pay some of the highest rates. Barbara Silver Miller, co-owner of a vending machine firm in Phoenix, Arizona, has seen premiums for her employees rise 20% to 30% a year.

To reform this festering mess, some Clinton officials argue privately, the transitional loss of a few hundred thousand jobs is not a

high price to pay. Certainly not in an economy that employs 120 million workers and creates 2 million jobs a year. Yet for the individuals involved, a single job lost on a Nebraska farm isn't really "a net wash" when a new job—requiring relocation and training—is created in a Detroit auto plant.

BILLS TO COMBAT VIOLENCE AND DRUG-RELATED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce today a package of four bills designed to combat violence and drug-related crimes in our streets and neighborhoods.

These bills are the Drive-By Shooting Prevention Act of 1993; the Juveniles in Crime Prevention Act of 1993; the Three-Time Loser Act of 1993; and the Law Enforcement Officers Death Penalty Act of 1993.

This legislation will provide Federal law enforcement with powerful new weapons in their war against illegal drugs and crime involving juvenile and repeat offenders.

Mr. Speaker, these bills are practically identical to those I introduced in the last Congress. Provisions of all four of these bills were incorporated in the Violent Crime Control Act passed by the Senate 2 years ago. Because of their importance to law enforcement, it is essential that these proposals also be included in the omnibus anticrime legislation that will be considered in the Congress this year.

My first bill would add to the Federal Criminal Code a provision aimed at curbing the indiscriminate use of weapons by youthful gangs involved in drive-by shootings in the furtherance of illegal drug conspiracies. The Drive-By Shooting Prevention Act of 1993 would make it a Federal crime for someone who, in the course of committing a major drug offense, intentionally fires a weapon into a group of persons gathered nearby, killing or endangering the life of an innocent bystander. The bill provides the death penalty or imprisonment for any term of years up to and including life for anyone convicted of murdering a drive-by shooting victim.

A constituent of mine, Carolyn Jamelkowski of Camarillo, wrote a letter to the editor of the Ventura Star Free Press about the war on drugs and the criminal gangs that rage in the streets of our cities. She also wrote to me and to then-President Bush earnestly seeking our assistance in stopping the increasingly frequent drive-by shooting incidents in her neighborhood and elsewhere. In her letter she asked why we must send our brave young men and women to fight in overseas battlegrounds when we cannot protect ourselves and our families from violence by drug criminals and street gangs in the streets of our communities right here in the United States. She bemoans the fact that some of our boys have returned home from war only to be shot and killed in their own country. She writes with passion and understanding, for Mrs. Jamelkowski's own son, a veteran, was the tragic, innocent victim of a drive-by shooting as he walked home from work one night.

Mr. Speaker, I am submitting the complete text of Mrs. Jamelkowski's letter for the RECORD.

Too many of us have known persons whose sons or daughters or other beloved ones have become the innocent victims of some drive-by shooting by a gang member high on drugs or seeking retribution against some other young pusher or rival gang member. I hope that my proposal will be adopted and included in the omnibus crime package so that we can soon bring an end to such senseless street crimes and to the tragic killings brought on by drug-related violence.

My second bill would mandate longer prison sentences for those criminals who sell illegal substances to minor youths or who use minors in their drug-trafficking activities. Under the Juveniles in Drug Crime Prevention Act of 1993, any adult who is convicted of selling drugs to juveniles or of utilizing a juvenile to peddle drugs to other youngsters will serve a mandatory minimum sentence of 10 years in prison, without parole.

This legislation will serve as a stiff warning to drug dealers that if they sell drugs to kids or employ kids in their illegal activities, they can expect to serve a long prison sentence, without any hope of getting off or of receiving probation or a suspended sentence. Moreover, if they come out of prison and are then caught committing additional drug crimes involving juveniles they will be locked up for life. Such a measure should help to safeguard many otherwise innocent children from the entrapment of using drugs or from inducements offered by adult traffickers to engage in the peddling of drugs.

My third bill, the Three-Time Loser Act of 1993, would mandate life imprisonment without parole for twice-convicted violent criminals or drug traffickers who are convicted of a third offense. Unfortunately the 3- and 4-time and even 10-time loser is too often released early or on bond and allowed to walk the streets of our cities, free to commit additional crimes. There is too much violent and drug-related crime in this country, in part, because there is too much crime without real punishment and there are too many felons who are allowed to go unpunished in America. Hardened, repeat criminals know they can expect to be set loose all to soon after being sentenced, perhaps to relieve jail overcrowding, and too many Americans are becoming the innocent prey to these recidivists.

According to one study by Dr. Morgan Reynolds of the National Center for Policy Analysis in Texas, of criminal arrests, indictments, convictions, sentencing and sentences actually served, based on data of crimes over a period of almost 40 years in the United States, a person who commits murder can expect to serve on the average only 2.3 years in prison; someone who commits burglary can expect to serve just 17.7 days; and for car theft the criminal can expect just 4.2 days behind bars. Some have argued that these figures are skewed because Dr. Reynolds includes in his figures those murderers, burglars, and thieves who don't get caught. I believe these figures are relevant because they certainly give comfort to prospective criminals. However, even if we look at only those apprehended and convicted, the statistics are still an outrage. The Justice Department reports that the convicted murderer can expect to serve a mean term of 83 months, the burglar 22 months, and the car thief 13 months. It's not very comforting to know that a murderer serves less than 7 years in prison on the average!

With such statistics showing how little time murderers and felons actually serve behind bars and how little chance they have of ever being arrested or convicted, it is little wonder that criminals repeat their crimes, realizing that can do so without severe or lengthy penalties—with little more than a slap on the wrist!

My bill will serve notice on repeat felons that they can expect to serve a mandatory life term in prison without parole if they are convicted of any combination of a violent crime or a drug felony as little as three times. If enacted, the proposal should result in a dramatically reduced rate of criminal recidivism. I also suspect we would hear less often of criminals who are let out of jail after a short sentence only to commit another drug-related or violent crime within a short time.

Finally, the Law Enforcement Officers' Death Penalty Act of 1993 would authorize the penalty of death for the murder of a Federal law enforcement officer while the officer is carrying out his official duties and for the murder of a State or local law enforcement officer while that officer is in the course of duty assisting a Federal law enforcement officer. The bill also sets forth the procedures and factors to be considered in imposing the sentence of death on a criminal defendant.

In my view, there are few crimes more despicable than the murder of a police officer while in the line of duty. These are the guardians of our lives and our security who protect us, our families, and our neighborhoods from criminals. Every day thousands of these brave and honorable men and women risk their lives so that we can be free to enjoy our rights, our privacy, our property, and our pursuit of happiness. The life of a cop or a Federal agent is in constant danger. In this era when illegal drugs, street violence, and swelling crime rates are everyday events, we must show well-deserved respect, honor, and gratitude to the squads of crimefighters we employ to protect us at the Federal, State, and local level. We must also demonstrate to the drug dealers, murderers, and other serious criminals that we will not tolerate, under any circumstances, the murder of these peace officers and that those who kill them intentionally or in the course of committing some other crime will pay for our loss with their own lives.

In 1990 there were 664 Federal law enforcement officers murdered in the line of duty; in 1991 there were 683. There are no figures available on the exact number of State and local public safety officers who were also killed while assisting Federal officers in crime-busting activities. My last bill is a kind of personal tribute to the cop on the beat and the Federal officer on duty. It also is a warning to the adult criminal that, regardless of whether his victim is a Federal law enforcement officer or a State law enforcement officer who has come to the assistance of the Federal officer, if he murders that officer while he is carrying out his law enforcement duties, he can expect to be sentenced to certain death. Perhaps the criminal,

fearing capital punishment, will think twice before committing a violent crime that could result in the killing of police officers.

Mr. Speaker, I urge my colleagues to support this legislation and I call on the leadership of both parties in this chamber to include this package of bills, or similar related measures, when the House takes up the omnibus anticrime bill later this fall.

[From the Ventura Star Free Press]

WAR STILL RAGES—ON AMERICAN STREETS

TO THE EDITOR: I am writing President Bush to ask for his help in the fight against gang drive-by shootings.

We have a war going on in this country that keeps getting bigger by the day. People are being killed by these gangs whenever they see fit to go out shooting. Innocent children, women and our sons are victims, even though they haven't hurt gang members or even know them—it doesn't matter to gangs.

Many of the gangs have a requirement that to belong your first have to go out and kill someone—anyone, it doesn't matter. You might be asking how I know. Well, I am a mother whose son was killed in a drive-by shooting as he walked home from work one night three months ago.

I know I am only one voice, but I've decided to ask President Bush, our Senators, Members of Congress and newspapers across our Nation to petition the people of the United States to help put a stop to this war in our streets.

We sent our boys to the Gulf and they did a wonderful job, but some of those boys have come home only to be shot and killed in their own country. We ask, "What are we doing to protect our own people?"

This war has to stop. We are not safe in our own streets. How can we as a Nation tell other countries we are against aggression when in our own country we don't have the laws that will deter crime?

That is why I am asking our leaders to lead us once again into battle against invaders who are killing our people. Please, pass tough laws, such as providing for an automatic death penalty for someone convicted of a drive-by shooting.

Only then—maybe—will our streets be safe once more and the mothers across this nation can stop crying as they sit by the grave of a loved one lamenting, "I know not why".

CAROLYN JAMELKOWSKI.

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drive-By Shooting Prevention Act of 1993".

SEC. 2. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Drive-by-shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever—

"(1) in furtherance or to escape detection of a major drug offense listed in subsection (b);

"(2) whether or not in furtherance of criminal gang activities; and

"(3) with the intent to intimidate, harass, injure, or maim;

fires a weapon into a group of two or more persons and thereby causes grave risk to any human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by shooting.".

H.R. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juveniles in Drug Crime Prevention Act of 1993".

SEC. 2. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 21.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under eighteen years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under eighteen years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

H.R. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three-Time Loser Act of 1993".

SEC. 2. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term" and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, and the term".

H.R. 3037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Death Penalty Act of 1993".

SEC. 2. ESTABLISHMENT OF DEATH PENALTY FOR KILLING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended—

(1) by inserting after "except that any such person" the following: "who is found guilty of first degree murder shall also be subject to the penalty of death in accordance with chapter 228 of this title and any such person"; and

(2) by adding at the end "Whoever kills a State or local law enforcement officer, while such officer is in the course of duty assisting a Federal law enforcement officer whose killing is a violation of this section, shall be subject to the same punishment as is provided under this section for the killing of such Federal law enforcement officer in the same circumstances.".

SEC. 3. DEATH PENALTY PROCEDURES.

(a) IN GENERAL.—Title 18 of the United States Code is amended by inserting after chapter 227 the following:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.

"§ 3591. Sentence of death

"A defendant who commits an offense under section 1114 of this title for which the death penalty may be imposed shall be sentenced to death if, after consideration of the factors set forth in section 3592 of this title in the course of a hearing held pursuant to section 3593 of this title, it is determined that imposition of a sentence of death is justified. However, no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution.

"(2) DURESS.—The defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(b) AGGRAVATING FACTORS.—In determining whether a sentence of death is justified the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving controlled substances or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner.

"(5) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(6) COMMISSION OF THE OFFENSE FOR PAYMENT.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(7) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(8) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591 of this title, the attorney for the Government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, such attorney shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the Government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

"(2) setting forth the aggravating factor or factors, including a factor or factors not specifically enumerated in section 3592, that the Government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the Government has filed a notice as required under subsection (a) of this section and the defendant is found guilty of an offense described in section 3591 of this title, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592 of this title. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness of imposing a sentence of death in the case. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The attorney for the Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings with respect to the mitigating and aggravating factors concerning which information is received at the hearing, stating—

"(1) whether some mitigating factor required to be considered under section 3592 exists;

"(2) whether some aggravating factor required to be considered under section 3592 exists; and

"(3) which specific mitigating or aggravating factor or factors exist.

A finding under paragraph (1) or (2) that some mitigating or aggravating factor exists must be unanimous. A finding under paragraph (3) that a specific mitigating or aggravating factor exists may be made by a majority of at least nine members of the jury.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of an offense described in section 3591, an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh all

the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified. The jury or the court, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (e) of this section, shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant or of any victim. The jury, upon return of a finding under subsection (e) of this section, shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant or any victim was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) of this title that a sentence of death is justified, the court shall sentence the defendant to death. Upon finding under section 3593(e) of this title that no aggravating factor required to be found exists or that a sentence of death is not justified, the court shall impose any sentence other than death that is authorized by law.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedure employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d) of this title.

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special findings of the existence of an aggravating factor or factors; it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

"§ 3596. Implementation of sentence of death

"A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law. A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in the amount approved by the Attorney General.".

(b) CLERICAL AMENDMENT TO CHAPTER ANALYSIS.—Title 18, United States Code, is amended in the chapter analysis of part II, by adding the following new item after the item relating to chapter 227:

"228. Death penalty procedures ..... 3591".

SAVINGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, We're going to hear a lot about imports and exports in the next few weeks as Congress confronts the NAFTA agreement.

Not all imports are bad. The United States imports goods and services from other countries for many good reasons. We import minerals that don't exist within our borders. We import foods that can't be grown in our climate. We import products that are made more efficiently abroad.

The right import choices can work to the advantage of American consumers and the U.S. economy.

On the other hand, the wrong import choices can hurt our economy and our country.

I believe that we are making an import choice right now that hurts this country and—in the long run, if we overdo it—can destroy us as a nation.

What is this dangerous commodity?

It's not a strategic mineral that we've become dependent on. It's not a dangerous pesticide or a weapons system.

The dangerous commodity we're bringing into our country is the savings of people from all over the world—which the United States is forced to import because Americans don't save enough money to meet the needs of our economy.

Let me be clear: It's not unusual for accounts to be out of balance in any given year. Showing a small net import of money now and then, and a small net export of money during other years is not a cause for great concern.

But ever since 1987, this country has been a net importer of money every single year, and we import more and more evey year. We are a debtor nation, like Peru or Togo.

As the economists would say: "The U.S. net international investment position shows an annual savings inflow." In 1980, we had a positive position of $392.5 billion. Currently, we have negative position: minus $521.3 billion.

Why did our country become an money importer, and why is this a problem?

The United States has to import capital because individuals, businesses and government in this country use more money than we have available for them domestically. This foreign capital is simply the savings that people in other countries set aside to invest.

It is something individuals abroad create and sell to us for a profit, just like cars or crops. If we think of savings as a crop, Americans eat a lot of it, but grow very little.

In 1981, Americans saved 6.3 percent of our gross domestic product. Last year, we collectively saved 3.6 percent.

Despite tax cuts and high interest rates in the 1980's, personal savings did not rise.

You would think that lower taxes would free up money in the family budget, and that a high return on savings would encourage people to put that extra money into some form of savings, but the numbers tell a different story—since the mideighties, Americans have never reached a savings rate as high as even 4½ percent.

Economists call this a preference for current versus future consumption. I call it betting the farm.

Since our desire for current consumption grows and grows, and our ability to pay for it isn't growing, we borrow money from foreigners to pay for our current consumption, and we apparently hope to keep borrowing from abroad to pay for future consumption.

So far, we have been able to borrow money overseas. It's a compliment, a sign of foreigners' confidence in our country's stability that they're willing to send their money here. So far, we have been able to keep up with our growing rate of domestic spending—and this is important, because current consumption isn't just money we spend going out to dinner. It's also the money we spend on new plants and modernized machinery and worker training.

And, of course, it's the money we use to finance the Federal deficit. Americans used to say that the national debt was just money we owed to ourselves—that's not true anymore. It hasn't been true since 1987.

The problem with being in everybody else's pocket is that when money is

being imported, foreigners have claims on us. And interest and dividend income attributable to foreign-owned capital tends to be exported back to the country where the capital originated. So the cycle continues.

Mr. Speaker, saving money is not just a matter of good personal discipline or sensible family budgeting. It is a matter of national survival.

Experience has shown that lower taxes don't lead to adequate savings. Higher rates of return don't lead to adequate savings.

Even the shock of becoming a debtor nation didn't lead to adequate savings.

We can see that investment capital is not a crop that grows in our present climate. Based on the nationwide economic experiments of the 1980's, we have data to show what has failed to increase savings. Now we have to figure out what will lead to adequate savings.

I intend to explore this issue, and to share information about savings with this House in the months to come.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 103-236) on the resolution (H. Res. 248) providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1850

OUR TROOPS SHOULDN'T BE IN SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 60 minutes.

Mr. BEREUTER. Mr. Speaker, this body currently is in the midst of considering the annual Department of Defense authorization legislation, and is slowly beginning discussions on such weighty issues as when and under what circumstances the United States should deploy our military forces in the post-cold-war era. When should the United States participate in U.N. peacekeeping operations? Should we be sending troops abroad for humanitarian missions? These are important and timely matters that must be addressed.

With this in mind, this Member would direct his comments toward the continuing United States participation in the Somalia peacekeeping operation. This Member supported former President Bush's initiative to bring humanitarian relief to the starving people of that strife-torn country. However, this Member is equally firm in his belief that the Clinton administration's escalation of our military involvement in Somalia is misguided and inappropriate.

On May 25, 1993, this Member came before this body to explain my opposition to the joint resolution which authorized the further use of United States Armed Forces in Somalia. At that time, this Member reminded his colleagues that President Bush in December explicitly stated that our forces were sent to Somalia to assure that food and other humanitarian relief could be delivered by various organizations. Surely without that support hundreds of thousands of additional Somalis would have starved or been killed. Moreover, President Bush and his administration spokespersons were equally clear that our forces were not sent as a peacekeeping force or to disarm the warring factions except as was necessary to perform their primary hunger relief mission.

This humanitarian mission was largely accomplished by early 1993, but U.N. Secretary General Boutros-Ghali had more ambitious objectives. Regrettably, the Clinton administration permitted him to first stall the planned U.S. withdrawal and then it agreed to a continued U.S. troop presence. This Member joined with many of his colleagues—and, indeed, many Americans—in speaking frequently against an expansion of that limited American mission. However, as soon as President Bush sent our forces to Somalia various parts of the national media, the U.N. Secretary General, and other would-be opinion leaders—including some Members of this body—immediately set up a clamor to expand that United States role and broaden the interpretation of the Bush Presidential mission statement.

Since there are at least a dozen or more other hot spots around the globe where civil war and anarchy rein, these questions should be asked. Why do we have a role to restore order and civil government in Somalia and not the other places? Are we willing and able to be the policeman for the world? Is it wise? Is the U.S. national interest directly involved? How long will it take for American forces, hailed as heroes upon arrival, to be seen as the threatening outside troops which are lined up as targets in the gunsights of local combatants or terrorists? Or, as Senator SAM NUNN put it in his recent visit to Offutt Air Force Base: "People are now talking about having a military presence there until Somalia is stabilized; when was Somalia last stabilized," he asked?

Even after Defense Secretary Aspin struggled to better define the specific mission and length of deployment of United States troops in Somalia, the New York Times, no foe of the Clinton administration, said:

> Americans have not just a right but an obligation to demand that the Clinton administration explain what compelling national purpose justified such risks to the lives of U.S. soldiers and Somalia civilians caught in the crossfire.

The emerging wider range of U.N. peacekeeping operations in the post-cold-war era is a healthy and much-needed evolution of U.N. behavior. But this Member would once again repeat his views that the only way the United States can realistically participate in these new peacekeeping operations is if these peacekeeping missions for U.S. forces have the full support of the American people. We will never build public support if troops are dispatched for indeterminate periods, or if the mission of United States-deployed units continues to change as it has in Somalia during the Clinton administration.

Mr. Speaker, it was a mistake to expand the mission beyond the dire emergency feeding of Somalis to the larger role of United States combat forces serving as peacekeepers. Now we see that it was quite probably a tragic mistake as more Americans and U.N. troops are killed or wounded. As this Member has repeatedly warned, there is little prospect that peace can be kept or enforced in the long term and little likelihood that a system of civil government can be recreated in a number of years which will be adequate to return law and order, peace, and even a modicum of economic stability in Somalia. The Clinton administration listened to the harping of the national media elite and armchair interventionists who almost without exception have never served in a combat role. In doing so, the United States has been led into a progressive series of well-intended but mistaken actions. Thus it is that the Clinton administration has wandered into an enlarged mission for our Armed Forces in Somalia. It is likely to lead to a long-term commitment and tactically indefensible conditions. With each new action of the United States Ranger forces or other United States or U.N. forces, we look more like a foreign aggressor to the Somali people, and the despicable warlords and their killers mistakenly look more like the defenders of local autonomy against foreign troops.

In her nationally syndicated column, Marianne Means not only sharply criticized the Clinton administration for enlarging the mission beyond the delivery of food to starving people. She said, "Somalia smells like Vietnam, potentially an ever-expanding nightmare on inhospitable terrain." In general the Vietnam analogy is overused, but that does not make it always inaccurate; some of the lessons of Vietnam can be accurately applied to Somalia.

Of course, there will be embarrassment in some quarters about pulling our troops out of Somalia, just as there was when we beat a hasty retreat from Beirut. There the barracks blast tragically killed hundreds of U.S. Marines who were sitting ducks in a ridiculously vulnerable position while serving in an ill-advised noncombatant role. But, Ms. Means reminded us of Senator George Aiken's advice to Lyndon Johnson about the Vietnam war: "Declare victory and go home."

Mr. Speaker, the food has been successfully delivered to the Somali. Our intervention did not solve all the problems of that nation, but we saved hundreds of thousands of lives as intended. It is way past time for the United States to declare victory in Somalia and go home.

A PROGRESS REPORT ON RENEWING AMERICAN CIVILIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk this evening on a progress report to my colleagues on renewing American civilization. Back in January, I came to the floor and reported on the idea that renewing American civilization was the central challenge for our generation, now that the Soviet empire had collapsed, and when we look at the terrible problems we have in our inner cities with violence; when we look at the report today, for example, that some 90 million Americans do not read well enough to have a good job in the world market, when we look at all the different concerns we have in this country, the concept that there is an American civilization and that it needs to be renewed is very central to where we must go as a country.

At that time I suggested there was a very simple test to ascertain whether or not we needed to renew American civilization. I suggested three propositions: first, that no civilization can survive with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS, and 18-year-olds getting diplomas they cannot read, and that therefore, this is not about Republican or Democrat, about liberal or conservative. This was about the very survival of American civilization as we have known it.

Of course, that reference to 18-year-olds getting diplomas they cannot read was emphasized this morning by the article pointing out that some 90 million Americans cannot read well enough to really have a job competitive in the world market with a good income.

My second proposition was that the welfare state had failed; not that it needed to be repaired, not that it needed to be propped up, not that it was underfunded, but that it failed, and that the welfare state had failed for a very basic reason, that you cannot reduce a citizen to a client, subordinate them to a bureaucrat, and subject them to regulations that are anti-family, anti-work, anti-property, and anti-opportunity without creating social pathologies. And that most of the ills we see most tragically in the inner city, and see to a considerable extent in places like rural Appalachia where there has been generations of the welfare state, that those tragedies are in fact direct results of the welfare state. They are not consequences of the welfare state, they are not from the absence of a welfare state.

□ 1900

The third proposition then, if you believe that the welfare state has failed, and you believe that civilization is at stake, the third proposition was that we in our generation have an obligation to replace the welfare state, not just to oppose it, not just to tell horror stories, but in fact to develop a road map for the replacement of the welfare state.

I started with those basic ideas, and I suggested at the time that there were five principles that guide American civilization.

First, personal strength, that if you do not have the key ingredients of personal strength, integrity, courage, discipline, perseverance, hard work, if you do not have those characteristics that you cannot survive either in a free market or in a free society, because the individual has to have a considerable amount of personal discipline, personal commitment, personal courage for a free society to operate and for a free market to operate.

Second, the entrepreneurial free enterprise, the spirit of getting the job done is very essential to America, that whether it is in the private sector for profit, whether it is in the military as in Desert Storm, whether it is in science in the laboratory as in Jonas Salk's inventing a vaccine, the fact is that simply having the drive, the focus to get the job done is a very important part of America. And as we become more and more bureaucratic, as people have focused not on getting the job done but on simply doing the process, punching the card, filling in the forms, that in fact America has begun to lose energy. And I must say Vice President GORE's efforts at reinventing Government have much of the same language, much of the same approach as entrepreneurial free enterprise in the renewing American civilization model.

Third, we talked about the spirit of invention and technology, the whole idea that going out and discovering new things, going out and creating new opportunities, going out and learning whether it is in space, or in the ocean, or in science, whether it is inventing something as simple as the stickup cards that people now make, the paper you can put up on the wall of your refrigerator when you write phone numbers, or it is something as complex as a brand-new computer, all of these different kinds of inventions, the spirit of Benjamin Franklin, or Thomas Edison, of the Wright Brothers, that that spirit of discovery and invention is a very, very real part of America and what makes it work.

Fourth, we talked about the concept of quality largely as defined by Edwards Deming, but also Dr. Juran, and by Phil Crosby, people who had developed the ideas that we must work together as a team, that work is a system, and that there is a direct relationship from your suppliers and your workers all the way through to your customers, and that every person who participates has an ownership and a chance to improve every day the work they are doing, that that concept of quality could revolutionize government, could revolutionize opportunities for learning, could revolutionize our health system.

Then finally we talked about the lessons of American history, the concept that this has been the most successful civilization in the history of the world in liberating people, and that while we have problems, and we do, while we have difficulties in integrating races as much as we would like, and integrating cultures as much as we would like, while we have difficulties making sure every American has the right to pursue happiness, that nonetheless, on aggregate, more Americans have more opportunities to pursue more happiness, to do more things, to have more choices than any country in the history of the world, and that people from a wider range of backgrounds, here in the Congress HENRY BONILLA, who has a Hispanic background working from San Antonio, JAY KIM, a Korean-American background serving from California, ILEANA ROS-LEHTINEN, a Cuban-American background serving from Florida, GARY FRANKS of an African-American background serving Connecticut, each of these coming together, representing a broad range of backgrounds, but seeing themselves as an American, working together, creating better opportunities for the future.

So we suggested those five principles, personal strength, entrepreneurial free enterprise, the spirit of invention and discovery, quality, and lessons of American history could then be applied to solve problems. And we suggested four specific areas to solve.

First, economic growth and jobs in the world market. How do we create jobs for the future? How do we create better jobs with better take-home pay, with a higher standard of living?

Second, health. What do we do about 14 percent of our gross national product, life and death, a considerable concern about senior citizens with long-term care? What do we do about health?

Third, saving the inner cities, the proposition that America cannot ever be healthy if its great cities are centers of decay and death, the notion when it took the length of time of December and January that it took for 3 Americans to be killed in Somalia and 48 were killed in our National Capital, in the District of Columbia. The whole idea that the level of violence, the level of degradation, the level of abuse and destructiveness that you see every night on every television news in every city in America simply is not tolerable in a civilized country. And we have to find a way to save the inner cities, and saving them means healthy neighborhoods, safe neighborhoods, neighborhoods with jobs, neighborhoods with schools that work, neighborhoods with housing that is decent, neighborhoods that people can live in with pride and know that as an American they are truly endowed with inalienable rights.

Finally, the concept of citizenship. Here we are in the electronic age with C-SPAN and CNN, and faxes, and computers, with telephone conference calls and jet airplanes, and we have to rethink what does it mean to be a citizen when you live in a world where your neighbors are on a Rolodex. They are not next door, and you may be traveling all over the world. You may be getting some of your information by fax, some by mail, some by newspapers and magazines, some by radio or television. How do we organize citizenship for the 21st century?

Those were the concepts we wanted to focus on. And I said at the time I wanted to teach a course. I felt that the only way to develop a replacement for the welfare state, to create a road map for the future was to work at an intellectual level, to work with people who think about ideas and develop ideas, and to develop an approach which would be open to everybody, to Republicans, to Democrats, to independents, to Libertarians, to people of all backgrounds, liberal, conservative, to create an opportunity to talk about ideas and to find a way to renew American civilization.

During that period I was very fortunate in that I talked with Dean Tim Mescon at the school of business at Kennesaw State College, and they agreed to allow me to teach at Kennesaw State College. I might say in passing that I have a Ph.D. in history. I taught 9 years, 8 in the University of Georgia system and 1 year at Tulane University where I got my degree, and I had a background in college teaching. So we developed a 20-hour course. We took those basic ideas I have outlined. First, the concept that there is an American civilization, and then the five principles, and then the four specific areas to focus on, and then we developed a course that will start on September 18, and which will be available for 2 hours each Saturday by satellite for anybody in America who has a downlink or cable system or wants to take the course. In addition, the course will be available by audiotape and by videotape for anyone in America who wants to get the course. So we made available a very wide range for anybody who wants to participate to be involved in studying the concept of renewing American civilization.

The course is being taught for credit at Kennesaw State College. I am also very pleased to tell my colleagues that it is being offered for credit at the Porterville College in Porterville, CA, at Clemson University in Clemson, SC, at Lee College in Cleveland, TN, at the Kennedy School of Government at Harvard. It is not being offered for credit there, but it is being offered as a non-required class by Marty Conners, who is a fellow at Kennedy School of Government who is part of a class called electronic democracy. And it is being offered for credit at the University of California at Berkeley.

In addition to those 6 sites, counting Kennesaw State College in Kennesaw, GA, there are another 126 sites around the country which are already signed up for the course which begins on September 18. After teaching the course this fall, we will come back and teach Renewing American Civilization again in January of 1994. We will then spend 9 months studying and rethinking and rewriting the course, and we will teach it again in January of 1995. We will then study and rethink it one last time, and we will try to teach it again in January 1996.

We have three goals, public policy goals about our civilization, not about politics, not about elections, but about rethinking how we renew American civilization and developing a road map to replace the welfare state.

Our first goal is to genuinely create an intellectually serious and thoughtful road map for replacing the welfare state, to truly explore the principles that make up American civilization, and to create an opportunity for people to look at what we could be doing instead of what we are doing.

□ 1910

Second, to develop across the country at least 200,000 students who have participated in thinking about the process of renewing American civilization and who are committed to the idea that in a giant, continentwide, decentralized country you have to be able to renew your civilization at school board and county commission and city council, at State legislature and the Congress, that it is not just the President, not just the Governor, not just the mayor, that it is the full participation at every level of citizenship. It is getting out there and really trying to change things across the board simultaneously.

Third, frankly, we hope to do what may be the most difficult of all things, which is to actually operate programs sufficiently interesting and sufficiently powerful that the news media will actually study substance instead of style and that they actually would be willing to learn new ideas and new language and really think about what American civilization is all about and how to work with it.

Now, in that context let me say that we developed working with McGraw-Hill and their college custom series, a book entitled "Readings in Renewing American Civilization." That is by Dr. Jeffrey Eisenach and Steve Hanser. As some very prestigious contributors: Keith Butler, a city councilman in Detroit; and Stephen Corey, who has a best-selling book on the seven habits of highly effective people; George Gilder, who of course has written a number of important books on technology and entrepreneurship; Regina Herzlinger, a professor at the Harvard School of Business; Maryanne Huffington, who is a serious scholar of culture and who has written a number of major books, including a very renowned biography of Picasso; by George Keyworth, who was the science adviser to President Reagan, and a nationally known physicist; by Dr. Everett Carl Ladd, who may be our most distinguished student of American opinion and one of the truly creative thinkers in American culture and American civilization; Dr. Barbara Lawton, who is a protege of Dr. Edward Standing, one of the most knowledgeable people on the concept of quality in the entire United States; and by John Rutledge, a leading economist and one of the real students of how to get the economy going together.

This is a very serious work. It runs about 250 pages. It outlines across the board the principles and the core ideas that relate to renewing American civilization, and we are, frankly, going to be using it in class and are going to be making it available for a wide range of people who are interested in looking at these new ideas.

In addition to that, we put together and developed an advisory committee that we think is outstanding, people who have agreed to look at these ideas and to develop them, leading academic intellectual students from across the country: Dr. James K. Wilson, University of California at Los Angeles, who may be the leading student of crime and of society in America. He has a number of books to his credit and is widely regarded, I think, as one of the most serious students in American political science today. He is helping us particularly in the area of personal

strength. We have Dr. Mike Moscone, the former dean at Georgia State University's School of Business and a very distinguished business consultant in his own right, who is advising us on entrepreneurial free enterprise; Bill Wattley, a very, very important student of technology, who is advising us on science and technology and who is from Scientific Atlanta, one of the leading scientific exporting companies in Georgia, who is helping us to look through; and particularly in that entire area, Dr. Barbara Lawton, whom I mentioned earlier, who is advising us on quality; Dr. Everett Carl Ladd who is advising us on the whole issue of lessons of American history and how we are to apply that. On economic growth we have Larry Kudlow, senior economist of Bear, Sterns, former senior economist of the Office of Management and Budget, who has thought long and hard about how to create jobs in America and how to make sure we are competitive in the world market.

We have Dr. Gail Wilensky, former head of the Health Care Finance Administration, former deputy director of domestic policy in the White House for President Bush, a person widely recognized as a real expert in that area.

On saving the inner city, Keith Butler, mentioned earlier as a city councilman in Detroit, a real reform manager, leader in thinking through what we need to do to save America's inner cities.

Finally, on citizenship in the 21st century, Dr. Larry Sabato, at the University of Virginia, probably the best known and most often quoted student of political parties in America today.

Now, seven of those nine have now agreed to participate. We have not heard back from the two yet. In a review session on December 4 in Georgia, the way this is going to work: We are developing an entire course. We are sharing it with our senior advisers, making it available to anyone who is interested, as I said earlier, anyone who is a Democrat, Republican, a Libertarian, of any background, who is interested in the concept of renewing American civilization, who wants to find ways to replace the welfare state.

Then, having taught the course for the first time we are going to spend an entire day with our senior advisers and any of the participants from the courses who want to come, and we are going to review the ideas again and begin to rewrite the course.

Then all through the winter quarter starting in January 1994 we are going to redevelop and rethink the ideas and reteach it. Then with the help of our senior advisers and other folks who have agreed to counsel us, we are going to spend all of 1994, after we have taught the course, rewriting it again. Then we are going to come back, teach it in 1995, have another conference to revise it, and then spend 9 months revising it and teach it again in January 1996.

Now, let me explain why I think this is so important to approach it as an intellectual project, not as a Rotary Club speech, not as a political speech on the House floor, not as a 30-second TV commercial, but 20 hours of lectures and outlines and ideas backed up by a book of readings and other assignments.

I believe that the greatest failure in American politics today is not money, it is not courage, it is not willpower; it is ideas. I believe that the scale of our problem, the fact that the bureaucracy is now totally obsolete in the information age, the fact that the welfare state has failed at its very core because of its misunderstanding of human nature, the fact that we have, frankly, gone further and further in the wrong direction toward a redistributionist, high-taxed, bureaucratic-dominated, socialist system, which is exactly the wrong direction, the direction that failed in Russia, the direction that is failing in Italy, the direction which was repudiated in this year's election in France, the direction that led to the collapse of the Liberal Democratic Party in Japan. That what in fact we need to do is to get back to the basics of American civilization.

Those basics start with a strong individual and a strong family, strong community and a strong neighborhood. Those basics start with a strong sense of faith, a belief in God, and a notion that we want freedom of religion, we do not want freedom against religion; the notion that you want to encourage people to work and that without the work ethic it is virtually impossible to have a healthy America; that you want to encourage and award people for working; that you want people to be able to go out and start businesses, create jobs, and have better opportunities; that you are insistent, you are adamant, you are determined at any cost to create safety; that if you cannot protect people, if you have 5-year-olds being killed randomly, 15-year-olds, as happened in Atlanta last week where a girl was taken off, abducted, tortured for 3 days, and then killed brutally by eight teenagers; if you cannot physically defend your citizens, you cannot maintain civilization.

So there are core needs here. There is a need for us to recognize the scale of the change. And when you do recognize how gigantic that change is, described best, I think, by Alvin Toffler in a famous book that talked of the Third Wave, which talks about going from an industrial society to an information society as a change that is fully as large a shift, for example, from hunting/gathering to agriculture and from agriculture to industry, a giant scale of change in the 18th and 19th centuries as we went from living on a farm, traveling by horse and having stagecoaches to having airplanes, railroads and steamships, and now you think about the same scale jump and you begin to understand while Vice President GORE's reinventing Government was a good start, it was a baby step. It was tiny step No. 1 in a journey of a thousand steps. What we have to understand is what is our destination, where are we going? The purpose of renewing American civilization is to go into an academic environment and create an intellectual framework for thinking about where we are going.

□ 1920

We have to understand that it has to start with the basics. When you talk about economic growth and jobs in the world market, you have to take all five of the principles, personal strength, entrepreneurial enterprise, the spirit of invention, discovery, quality, and the lessons of American history and weave all five of them into a synergism and say here is how we can maximize American inventiveness, American entrepreneurship, American energy, American drive, American ingenuity, so that we can create the best jobs with the highest value in the entire world, so that we can compete with anybody anyplace.

When you talk about health, what worries me most from everything I have heard, and this includes a meeting I was in this afternoon, is that the Clinton administration which talks at times as though it has studied under Ronald Reagan, but plans and acts as though it has studied under Governor Dukakis, they are going to develop a health plan which is more bureaucracy, more centralized control, higher taxes, more redtape, and what we know is that a Government-run health system will not work.

Well, if that is true that the current health system is a mess, what is the model we need? What kind of health system should we have?

I think you have to go back to those same five basic principles. You have to start with a sense of personal responsibility. You have to own your health care. You have to have ownership of your health. You have to have choice. You have to be responsible.

People say it is too complicated. Folks go out every day and they pick their careers. They buy a house that may cost $100,000 or $200,000 thousand dollars. They buy a new car. We make many decisions as consumers. We vote for a President and a Congress and a Governor and a legislature, and yet we are told, "Gee, you're not smart enough to understand health care." Nonsense.

What you have got to do is rethink from the ground up, starting with personal strength. If we really want personal responsibility, we would have a health care system where you could simply look up every doctor and every hospital in your area. You would know

what their history was of treating certain illnesses, how much they charge, what the outcomes are like. That kind of data is available, but you cannot find it anywhere today, because we do not think about making it possible for every American to have control over their own health care and have their own choice.

We go through a series of changes. We emphasize preventive care. We know that a dollar spent on a pregnant woman helping her make sure that the baby is okay is probably worth between a hundred and two hundred dollars in care in a neonatal unit or in a unit for a baby that is born prematurely.

Now, we know that, and yet we simply do not go out and methodically and practically organize so that we can take advantage of that fact and save a lot of money.

We know that there are a lot of things we could do to make health care dramatically less expensive, not by having some bureaucrat establish another piece of paper, another regulation, but instead by encouraging and exciting people into the very same spirit of competition which lowers the price of Wal-Mart and Sears Roebuck and Kmart, which lowers the price at our local grocery stores, which is exactly the opposite direction from where the Clinton Task Force on Health is going.

So there are possibilities here for better health at lower cost.

When you talk about saving the inner cities, you have to start with personal responsibility. Nothing is going to be done in America to replace the welfare state unless we start first with how to encourage people to be personally responsible. How do we encourage families to stay together? How do we encourage society to be peaceful and nonviolent. How do we encourage a system in which predators, such as the person who killed the German tourist in Miami two nights ago, are not allowed back on the streets.

How do we develop a system where people who are innocent are safe and people who are criminals are locked up? That is a very different world.

We have to make sure that we take the whole current welfare system and replace it so that you have every incentive to work, every incentive to prosper, every incentive to have more opportunities, every incentive to study and you have access to schools that work where you can in fact learn something and have a chance for a better future.

Finally, in that framework, what does being a citizen mean? What should we expect from you? We have a lot of people who are mad at Washington, and I certainly join them in thinking that we need a lot of changes, but we also have a need to say to the citizen, "And what are you going to do? What responsibilities do you have?"

In many ways the most famous of all the American systems is the New Hampshire town hall meeting and the New England town hall meeting where everybody gets together once a year and they review the entire local township budget and they have a real sense of control and a real sense of impact and a real sense of involvement.

Well, that is the ideal model. Now how do we take that for a country of 260 million people scattered all across the continent who live in an electronic age, and how do we develop ways for citizens to be involved?

Let me suggest that C-SPAN is an important first step. One of the reasons I wanted to teach this course in renewing American civilization by satellite and make it available everywhere and also make it available by audiotape and by videotape was to make the point to people that we have got to get in the habit of thinking electronically and we have to get in the habit of reaching out to everyone in real time and making it easily accessible in your living room to do the things you want.

Now, I have been talking with Pete Jensen of Georgia Tech and some other experts on information sciences, and they have been making the point to me that we are on the verge of being able to create an information utility.

Now, what do I mean by information utility? This has direct relevance both to the scale of change we need when we get to phase 2 of Vice President GORE's reinventing Government and to the way we ought to rethink learning and health care and bureaucracy and, for example, public safety.

An information utility would be a little bit like the telephone is today or like your television set is. You know, when you go into your home now you do not think of the microwave as magic. You do not think of the mixer that you might have as magic. You do not think of your telephone as magic. It is just something you use. It is practical. It is handy and you are used to it.

Well, the concept of an information utility is that it should be possible within the next 5 years to develop a system much like a combination of your television and your telephone, which enables you to control it, to dominate it. I do not say user friendly, because I find user friendly is a term computer people use when they mean it is going to take people like you and me a long time to figure it out. I mean a system where literally you control it the same way you now control your microwave oven or the same way you now control your telephone, where you are comfortable with it.

In that setting, imagine that you could get up in the morning or any time of the day that you felt like it, 24 hours a day, 7 days a week, and first of all you had access to all the information you wanted.

You need to go get retrained because your company is phasing out your job? You get access to your home utility.

You need to learn more about how to read because you are one of those 90 million Americans who we are told by this morning's newspaper is not very good at reading. You have direct access to courses on reading that are right there, that are available, that are a combination of computer and video tape and personal training, but it is done in your living room at your convenience, when you want to do it, under your control.

You begin to think maybe you need some medical help. There is no reason that a tremendous quantity of information that is currently not available to the average citizen could not be made available by computer.

You are a young girl and you think you might be pregnant. Where is the nearest prenatal clinic?

You are a person getting older and you think you might have a problem with Alzheimer's. First of all, how can you learn about it? How can you get access?

Second, where is the nearest facility that has really good experts who can talk to you about it? What kind of advice can you get?

There are a thousand ways in which using electronics intelligently and creatively we can link people together.

It should bother all of us that the simplest and easiest ways of using computers today are games. I mean no disrespect to Nintendo and Sega and all the people who have done a brilliant job creating a future.

My good friend, Congressman JOHN KASICH, was down in Atlanta last weekend. We went to Dave and Buster's, which is a local arcade and restaurant complex. We played Virtual Realities. It was the first time we ever played it. It is magnificent. It is wonderful. It is fascinating. You put on a helmet. You are holding a gun and you are right in the middle of a game with a computer and you are in a computerized simulated world, and so are three other people and you are able to do all sorts of things. It was fascinating.

But if we can do that for fun, if we can do that for amusement, if we can do that for entertainment, why can we not with a little imagination offer some prizes for the best educational games, so that while you are having a good time, you are learning about Brazil or you are learning about history or you are learning about political science, so you begin to get involved in an interactive real-time dynamic process that dramatically expands the ability to learn, the ability to know, the ability to seek information.

All I am suggesting is that we are at the edge of this gigantic revolution, that the combination of technology and science on the one side, entrepreneurship and the spirit of getting a job

done, the concept of quality, the idea of personal responsibility and the work ethic and the things that have made America work, and then learning to think once again like the Founding Fathers and like the people who made America great.

I go back in a sense to Franklin Roosevelt, a man who I regard as the greatest President of the 20th century. Roosevelt said in his first Inaugural that we have nothing to fear but fear itself. He promised that the effort to create a better America might often fail, but it would never stop, that they would experiment and experiment until they began to get things better. It took great courage. It was the right approach.

We need to insist that our goal is to replace the welfare state. We need to insist that our goal is to renew American civilization. We need to rethink earning from the ground up. We need to make the best learning in the world available to every American from the poorest to the richest, from the most urban to the most rural.

A high school in Carrolton, GA, offers Japanese by satellite from the University of Nebraska.

□ 1930

Now that can be made available everywhere. If we are creative and clever, if we are willing to rethink the whole structure of how we do things, we could literally, within 3 or 4 years, dramatically expand for every American their opportunities, their chance to have a good job and their chance to learn all their lives, and, if we do not do that, we are not going to compete in the world market. We are not going to create jobs, and we are not going to have an American civilization we can be proud of.

Now in that framework, with this scale of dramatic change available, with the kind of things we need to think through, what I am suggesting is not that Newt Gingrich is going to teach this class, but I am going to begin the dialogue, working with people like Lamar Alexander, the former Secretary of Education, and Bill Bennett who before him was the Secretary of Education, Jack Kemp, who was the leading advocate of economic growth in jobs and who then served as Secretary of Housing and Urban Development where he was, I think, literally a heroic figure in beginning to carry hope, and opportunity and a belief that poor people would own their own homes, and manage their own projects and have control over their own lives, that bringing together people of that caliber, working with Brett Schundler, the new mayor of Jersey City, who I believe is the most important Republican in America today because he represents a dramatic breakthrough, and Brett Schundler is a perfect example of what I am talking about.

Mr. Speaker, this is a young man who was originally a Gary Hart field man, who was a new-ideas Democrat who decided to change parties after Governor Dukakis was nominated because he gave up on the Democratic Party, who found himself running for mayor in a special election when the mayor of Jersey City ascended to jail. He was one of 19 candidates. He won with 16 percent of the vote. It was the first time since 1904 that a Republican was elected mayor of Jersey City, and in a city which is 70 percent Democrat, 6 percent Republican, a city in which 41 percent of all citizens speak a language other than English at home. Brett Schundler had such courage and such commitment. He went out and used such common sense, innovative, radical ideas that, when he, at 9 months later, ran in an election against the Democratic machine, he personally got 68 percent of the vote, and he elected nine out of nine city council members. All nine are reform oriented, new ideas, replace the welfare state approach.

Now he has a lot of new ideas. He happens to be, for example, in favor of school choice so that people have the option to go to the school that works, and he believes that parents should have the right to send their child to a school that works, and he is prepared to give them a voucher to enable them to do that. He has dramatically changed the police force to get more policemen out on the street. He has worked at newer and better ways of lowering taxes and cutting spending. He knows that creating jobs and encouraging people to come to Jersey City to open up businesses is the key to the future because, if you do not have a job, all other social policy stands to one side. The most important social goal of a society ought to be able to live in safety, and to go work, and to earn a decent living, and raise your family with your own money, and Brett Schundler is committed to that.

Similarly Bob King up in Rochester, NY, the county executive, has done dramatic new things, fascinating things, and has learned that by working hard, by being innovative, by bringing in quality from business and applying the concepts to quality that he is able to dramatically improve his county government. I will give my colleagues one example he did on a recent tape that I listened to of Bob King talking about reform in his county.

They did a study of welfare applications, and they discovered that when people came in for welfare, for public assistance, for food stamps, the worker who was dealing with them would take down all of the information by hand. That would then go up to another person in a computer room where it would sit for about 3 weeks and then finally be typed into the computer. Usually between 35 and 40 percent of the forms would have a mistake on them, a number written down wrong, a Social Security number written down wrong, an address written down wrong, some mistake. The person in the computer room would then submit all that to the New York State central computer for welfare which would then about 35 to 40 percent of the time send out a letter to the person who was getting their food stamps telling them they were now kicked off the food stamp roll because based on the false information in the computer they were not eligible. They would then come, anxiety ridden, rushing into the welfare office where the case worker would go upstairs, pick up the file, print out a copy, go downstairs and discover what the mistake was.

Now they were having to rework 35 to 40 percent of the applications because they had this two-step process. Bob King's obvious commonsense idea was: What if we were to bring the computer right down to the desk so that, when you talk directly to the welfare worker, they were typing directly into the computer, and you could then come around the desk, and look at the computer screen, and you could proofread your own information, or, if you are not literate, you could have it read to you at this moment by the welfare worker so that at that second, while you were standing there, the correct information could go into the New York State central computer. That one change, bringing the information down from upstairs to the desk of the intake worker by itself would eliminate, first of all, half the jobs. They would no longer have the computer input person sitting upstairs. Second, it would eliminate between 35 and 40 percent of the applications having an error.

Now that is the kind of innovative, commonsense, practical change which is what Dr. Demming means when he talks about continuous improvement as part of the key to quality, not that any one of them is a giant breakthrough, but that inch by inch, step by step, it is possible to create a whole new way of doing things and a whole new approach.

I wanted to report to my colleagues on the concept of renewing American civilization and on the course that we are going to teach because I believe it is a very important step in the right direction. I think it is fascinating, for example, that David Woodard, the Clemson professor who is going to be given the course at Clemson as part of the project, said that they filled the course to overflowing within 48 hours; he drew the line at 50 people, but that there were at least 200 students who wanted to take the course, and I hope that they are going to be able to offer it in a bigger room winter quarter when we teach it for the second time. I think it is fascinating that the opportunity is here for us to develop a dramatic breakthrough in new ideas and new approaches.

Now I want to again emphasize, if you look at "Readings in Renewing American Civilization," and you look at the last section, our appendix, which is our syllabus and selected readings, which actually runs from page 230 to page 251, you are going to find a very wide range of books. You are going to find a lot of different suggestions on things to look at. Let me just give my colleagues, for example, on class one: understanding American civilization. This introductory lecture provides an overview of the course, outlines the essential components of American civilization that make it unique and explains why an understanding of American history and the principles of American life is essential for effective citizenship. That opening 2 hours, which will be on September 18 at 8:30 in the morning has as its first required reading, I may say immodestly, the introduction I wrote to "Renewing American Civilization", which outlines the concepts, but then we have source documents to understand American civilization, and this is the only chapter that I am going to list, but I just want to read in this list from this one chapter, this one class, that gives people a sense of the breadth and the scale of what we are interested in. Source Documents and Further Reading for class one, Understanding American Civilization: the Bible (any version); the Constitution of the United States; the Declaration of Independence; Michael Barone, "Our Country"; Daniel J. Boorstin, "The Americans: The Colonial Experience"; "The Americans: The National Experience"; "The Americans: The Democratic Experience"; Alexander Hamilton, et al, "The Federalist Papers; W.J. Hoxie, "How Girls Can Help Their Country: The 1913 Handbook for Girl Scouts"; Samuel P. Huntington, "The Clash of Civilizations," Foreign Affairs (Summer 1993); Martin Luther King, "I Have a Dream: Writings and Speeches that Changed the World"; Russell Kirk," America's British Culture."

Nicholas Lemann, "The Promised Land: The Great Black Migration and How It Changed America"; Max Lerner, "America as a Civilization"; William McNeill, "The Rise of the West"; Ronald W. Reagan, "First Inaugural Address" (January 20, 1981) in "Inaugural Addresses of the Presidents of the United States", (Bicentennial Edition); Arthur Schlesinger, "The Disuniting of America: Reflections on a Multicultural Society"; Henry David Thoreau, "Walden and Civil Disobedience"; Alexis de Tocqueville, "Democracy in America"; Alvin Toffler, "The Third Wave"; Benjamin J. Wattenberg, "the First Universal National: Leading Indicators and Ideas About the Surge of America in the 1990's"; Theodore H. White, "In Search of History"; Garry Wills, "Inventing America: "Jefferson's Declaration of Independence"; Gordon S. Wood, "The Radicalism of the American Revolution"; (New York: Alfred A. Knopf, 1992), and another book by Gordon S. Wood, "The Creation of the American Republic".

Now I cite that reading list from that 1 class; this is 1 of the 10 sessions, to make 2 points: First, this is not a narrowly drawn, right wing Republican approach. This is a serious effort to try to develop on a broad base an understanding of American civilization and a sense of the principles that have made America work and an effort to really think through a road map for a place in the welfare state.

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Second, this is an intellectual, rather than a political effort. I think all of my colleagues would agree, just looking at that one reading list, that that is hardly a brochure for reelection. That is hardly the beginning of a platform for a political party.

The reason I am saying this is that I have been extremely disappointed by some of the press coverage about the class, particularly by an extraordinarily inaccurate and false editorial in the Atlanta Journal and Constitution on September 5, which simply did not get it, which did not understand that this is a serious effort by a wide range of serious intellectuals, trying to think through where we are going.

So I wanted to reemphasize, my goal in talking this evening is to encourage every staff member in the Congress, every citizen who happens to watch on C-SPAN or read in the CONGRESSIONAL RECORD, every one of my colleagues, to feel that they can be involved. I do not care what your party is, I do not care what your ideology is. If you agree with a handful of basic principles, first, that there is an American civilization; that while we are multi-ethnic, we are one culture, and it is called American; second, that that civilization is so important and so vital and so decisive in freedom and in giving people the opportunity to pursue happiness, that it is worth renewing; third, that the welfare state has failed and must be replaced; and, fourth, that there are basic principles to American civilization, and that by thinking through those principles and reapplying them, we can create a dramatic, dynamic, twenty-first century, that will let all of our children live better lives with better jobs, with higher take-home pay, in greater safety, and with more freedom.

If you agree with those principles, I do not care what your background is, I want your ideas, I want your advice, I want your counsel. Because together, we may be able to solve the intellectual problem of creating a road map to replace the welfare state and of defining what it means to renew American civilization.

So I simply want to take a few minutes today to report to my colleagues that there is a course that will begin September 18, that Kennesaw College has shown enormous leadership in serving as the host; that, as I said earlier, it is being offered at 132 sites all together, including for credit at Kennesaw State College, at the University of California at Berkeley, at Lee College, at Clemson University, and at Porterville College, and it is being offered at places like Harvard and Stanford on a noncredit basis. But a wide range of groups of all kinds of backgrounds are participating. To let my colleagues know that the course will be available not only by satellite on Saturday mornings, but by audio and videotape; and, to let my colleagues know that there is a book and to let the staffs know that there is a book called "Readings in Renewing American Civilization" that is available and that really does create a framework that allows us to start thinking about these principles and these ideas.

I hope over the next few weeks to be able to report to my colleagues as the course develops and to be able to share with them the ideas and the concepts.

Then I hope that anyone who is interested, any of my colleagues, any of the staff, any of the other folks who might encounter these ideas, who are interested in joining us on December 4 in Atlanta to talk about what did we do, how can we improve it, how should it be changed, how do we develop the second course for January, I want to encourage the widest possible range of participation, because that is the only way I know to truly have a chance to renew American civilization.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for today, after 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on September 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. GALLEGLY, for 5 minutes today.

Mr. GOSS, for 5 minutes today.

Mr. BEREUTER, for 5 minutes, today.

Mr. HORN, for 60 minutes each day, on September 13, 20, and 27.

Mr. SENSENBRENNER, for 5 minutes each day, on September 13 and 14.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO for 5 minutes each day, on September 13 and 14.

Mr. GEPHARDT for 60 minutes each day, on September 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30.

Mr. HOYER, for 60 minutes, on September 13.

Mr. FALEOMAVAEGA, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. PETRI.
Mr. BEREUTER in five instances.
Ms. ROS-LEHTINEN.
Mr. SPENCE.
Mr. YOUNG of Florida.
Mr. SOLOMON in three instances.
Mr. HERGER.
Mr. QUILLEN.
Mr. LEWIS of California.
Mr. LEACH.
Mr. CLINGER.
Mr. HORN.
Mrs. BENTLEY.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. OLVER in two instances.
Mr. SCOTT.
Mr. HOLDEN.
Ms. HARMAN.
Mr. RUSH.
Mr. DERRICK.
Mr. HOCHBRUECKNER.
Mr. NEAL of Massachusetts.
Mr. CLEMENT.
Mr. MCCLOSKEY.
Mr. BERMAN.
Mr. ACKERMAN.
Mr. SLATTERY.
Mr. VISCLOSKY.
Ms. ESHOO.
Mr. KLEIN.

(The following Members (at the request of Mr. GINGRICH) and to include extraneous matter:)

Mr. GILLMOR.
Mr. CAMP.
Mr. COSTELLO.
Mr. HALL of Texas.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2010. An act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until Monday, September 13, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1810. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 1994, pursuant to Public Law 101-508, section 13101(c)(4) (104 Stat. 1388-589); to the Committee on Appropriations.

1811. A letter from the Director, Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1993-1998, pursuant to 31 U.S.C. 1106(a) (H. Doc. No. 103-133); to the Committee on Appropriations and ordered to be printed.

1812. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1, 1993 through March 31, 1993, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

1813. A letter from the Comptroller General, General Accounting Office, transmitting status of the President's sixth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685; (H. Doc. 103-135) to the Committee on Appropriations.

1814. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Update Report for fiscal year 1994, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations and ordered to be printed.

1815. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

1816. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103-132); to the Committee on Appropriations and ordered to be printed.

1817. A letter from the Acting Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1818. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to revise the authorized strength limitations for Marine Corps commissioned officers on active duty in the grades of major and lieutenant colonel; to the Committee on Armed Services.

1819. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the Department has certified the expansion of the CHAMPUS Reform Initiative to Washington and Oregon, pursuant to Public Law 102-484, section 712(c) (106 Stat. 2435); to the Committee on Armed Services.

1820. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Peoples Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1821. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the District of Columbia Public School System's Realty Program", pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

1822. A letter from the Office of Dependents' Education, transmitting the annual test report for school year 1992-93 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

1823. A letter from the Secretary of Education, transmitting the fiscal year 1993 annual report of the National Advisory Council on Educational Research and Improvement, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

1824. A letter from the Secretary of Education, transmitting the second annual report on activities under the Individuals With Disabilities Education Act aimed at meeting needs of children and youth with disabilities from minority backgrounds; to the Committee on Education and Labor.

1825. A letter from the Secretary of Health and Human Services, transmitting a report on the implementation of the voluntary national child abuse and neglect data system for fiscal 1991 and 1992; to the Committee on Education and Labor.

1826. A letter from the President, the American Council of Learned Societies, transmitting the Council's annual report for the year 1991-92, pursuant to 36 U.S.C. 1101(56), 1103; to the Committee on Education and Labor.

1827. A letter from the Secretary of Energy, transmitting notice of the delay of the National Energy Policy Plan until April 1, 1995, pursuant to 42 U.S.C. 7321 (b), (c); to the Committee on Energy and Commerce.

1828. A letter from the Chairman, Consumer Product Safety Commission, transmitting the final report on the activities undertaken on standard test method to determine cigarette ignition propensity, pursuant to Public Law 101-352, section 4 (104 Stat. 406); to the Committee on Energy and Commerce.

1829. A letter from the Administrator, Environmental Protection Agency, transmitting report on the measures taken by the Agency and by the States to implement the provisions of section 112, as amended of the Clean Air Act, pursuant to Public Law 101-549, section 301 (104 Stat. 2573); to the Committee on Energy and Commerce.

1830. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "The Economic and Technical Capacity of States and Public Water Systems to Implement Drinking Water Regulations"; to the Committee on Energy and Commerce.

1831. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Spain (Transmittal No. DTC-32-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1832. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 631, H.R. 798, and H.R. 2034, pursuant to Public Law 101-508, section 13101 (104 Stat. 1388-582); to the Committee on Government Operations.

1833. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 416, pursuant to Public Law 101-508, section 13101 (104 Stat. 1388-582); to the Committee on Government Operations.

1834. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 63 and H.R. 843, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1835. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in July 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1836. A letter from the Manager, Employee Benefits, ArgiBank, transmitting the 1992 annual report of the retirement plan for the employees of the Sixth Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1837. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, pursuant to 5 U.S.C. App. 3; to the Committee on Government Operations.

1838. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting the annual management report for the Commodity Credit Corporation, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1839. A letter from the Associate Attorney General, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1840. A letter from the FOI Officer, Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1841. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Energy and Commerce.

1842. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report pursuant to the Inspector General Act Amendments of 1988 for fiscal year 1992; to the Committee on Government Operations.

1843. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2348 and H.R. 2667, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

1844. A letter from the Inspector General, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Federal Civil Penalties Inflation Adjustment Act of 1990 to require the additional reporting of civil penalties imposed pursuant to a Federal law which does not set forth a specific or maximum monetary amount; to the Committee on Government Operations.

1845. A letter from the Chairman, Federal Election Commission, transmitting one recommendation for legislative action, pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Administration.

1846. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report and recommendation concerning the claim of Mr. Brad Hutchinson, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1847. A letter from the Attorney General, Department of Justice, transmitting the Bureau of Justice Assistance Police Hiring Supplement Program; to the Committee on the Judiciary.

1848. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the progress in implementing the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1992, pursuant to Public Law 101-225, section 222(a) (103 Stat. 1918); to the Committee on Merchant Marine and Fisheries.

1849. A letter from the Secretaries of Commerce and State, transmitting the annual Foreign Allocation Report for 1992, pursuant to 16 U.S.C. 1821(f); to the Committee on Merchant Marine and Fisheries.

1850. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); to the Committee on Public Works and Transportation.

1851. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1852. A letter from the Administrator, National Aeronautics and Space Administration, transmitting his determination that it is in the public interest to use other than competitive procedures for the procurement of certain supplies and services from small disadvantaged businesses including women-owned businesses, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Science, Space, and Technology.

1853. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans during program year 1991 (July 1, 1991 through June 30, 1992) and fiscal year 1992 (October 1, 1991 through September 30, 1992), pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

1854. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to restore the statutory eligibility for burial in national cemeteries of spouses who predecease individuals eligible for such burial; to the Committee on Veterans' Affairs.

1855. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Appeals Improvement Act of 1993"; to the Committee on Veterans' Affairs.

1856. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of negative case actions under the program of aid to families with dependent children under State plans approved under part A of title IV of SSA, pursuant to Public Law 101-239, section 8004(g)(1) (103 Stat. 2460); to the Committee on Ways and Means.

1857. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a report on States' reevaluations of need and payment standards of AFDC child care, pursuant to 42 U.S.C. 602 note; to the Committee on Ways and Means.

1858. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1859. A letter from the Director, Office of Management and Budget, transmitting the annual Status Report on Credit Management and Debt Collection, dated August 1993, pursuant to 31 U.S.C. 3719(b); to the Committee on Ways and Means.

1860. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the status report for the month of June 1993 (The 1988-89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1861. A letter from the Comptroller of the Department of Defense, transmitting notification that up to $135 million is proposed to be obligated to assist the Republic of Ukraine in activities related to dismantlement of strategic nuclear delivery vehicles and other weapons; jointly, to the Committees on Appropriations and Armed Services.

1862. A letter from the Comptroller of the Department of Defense, transmitting notification of the Department's intent to obligate up to $65 million to assist the Republic of Belarus in various activities related to dismantlement of strategic offensive arms; jointly, to the Committees on Appropriations and Armed Services.

1863. A letter from the Under Secretary, Department of Defense, transmitting a waiver under section 9069(b)(1) of Public Law 102-396 when the Secretary determines that the waiver is necessary in the national security of the United States, pursuant to Public Law 102-396, section 9069(b)(2) (106 Stat. 1917); jointly, to the Committees on Armed Services and Appropriations.

1864. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the fiscal year 1992 program operations of the Office of Workers' Compensation Programs [OWCP], the administration of the Black Lung Benefits Act [BLBA], the Longshore and Harbor Workers' Compensation Act [LHWCA], and the Federal Employees' Compensation Act for the period October 1, 1991, through September 30, 1992, pursuant to 30 U.S.C. 936(b); jointly, to the Committees on Education and Labor and Post Office and Civilian.

1865. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

1866. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to exercise authority under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide emergency assistance to Ecuador, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

1867. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Nuclear Reactor Safety Situation in Eastern Europe and the Former Soviet Union; jointly, to the Committees on Foreign Affairs and Armed Services.

1868. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the principal financial statements of the Defense Cooperation Account, fiscal year 1992, pursuant to Public Law 101-576, section 304(a) (104 Stat. 2853); jointly, to the Committees on Government Operations and Armed Services.

1869. A letter from the Secretary of the Navy, transmitting a report entitled "U.S. Navy Compliance with the Marine Plastic Pollution Research and Control Act of 1987," pursuant to 33 U.S.C. 1902 note; jointly, to the Committee on Merchant Marine and Fisheries and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1845. A bill to establish the Biological Survey in the Department of the Interior; with an amendment (Rept. 103-193, Pt. 2). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2223. A bill to designate the Federal building located at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building" (Rept. 103-226). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2431. A bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building" (Rept. 103-227). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2532. A bill to designate the Federal building and United States courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse" (Rept. 103-228). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2555. A bill to designate the Federal building located at 100 East Fifth Street in Cincinnati, OH, as the "Potter Stewart United States Courthouse" (Rept. 103-229). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2559. A bill to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building" (Rept. 103-230). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2677. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building (Rept. 103-231, Pt. 1). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes (Rept. 103-232, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1348. A bill to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes; with amendments (Rept. 103-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2356. A bill to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands (Rept. 103-234). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2824. A bill to modify the project for flood control, James River Basin, Richmond, VA (Rept. 103-235). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 248. Resolution providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-236). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 3033. A bill relating to the valuation of stock received by certain employees in connection with the performance of services as employees; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 3034. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

H.R. 3035. A bill to protect the public safety by imposing minimum, mandatory prison sentences for drug crimes involving minors; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 3036. A bill to mandate life imprisonment without release for drug traffickers or violent criminals convicted for a third offense; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 3037. A bill to provide the penalty of death for certain killings of Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. CLINGER (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. HYDE, Mr. PAXON, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, Mr. MCCANDLESS, Mr. HASTERT, Mr. SHAYS, Mr. SCHIFF, Mr. COX, Mr. THOMAS of Wyoming, Ms. ROS-LEHTINEN, Mr. MACHTLEY, Mr. ZIMMER, Mr. ZELIFF, Mr. MCHUGH, Mr. HORN, Ms. PRYCE of Ohio, Mr. MICA, Mr. PORTMAN, Mr. RAMSTAD, Mr. GALLEGLY, Ms. SNOWE, Mr. MCDADE, Mr. BOEHNER, Mrs. JOHNSON of Connecticut, Mr. SAXTON, Mr. KASICH, Mr. GREENWOOD, Mr. FAWELL, Mr. HOUGHTON, Mr. LIVINGSTON, Mr. BLILEY, Mr. KLUG, Mr. BONILLA, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. BAKER of California, Mr. BATEMAN, and Mr. WALSH):

H.R. 3038. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and to amend title 31, United States Code, to establish a Chief Financial Officer for the Executive Office of the President; to the Committee on Government Operations.

By Mr. HOAGLAND:

H.R. 3039. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 3040. A bill to amend title 5, United States Code, to provide civil service retirement credit to a Federal employee for any period of service performed with the American Red Cross abroad during a period of war; to the Committee on Post office and Civil Service.

By Mr. KLINK (for himself, Mr. TRAFICANT, Mr. DIAZ-BALART, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, and Mr. FROST):

H.R. 3041. A bill to eliminate deception in product labeling or marking with regard to the country of origin of merchandise and merchandise parts; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PAXON (for himself, Mr. BALLENGER, and Mr. RAMSTAD):

H.R. 3042. A bill to prohibit discrimination in contracting with potential contractors and subcontractors in federally funded construction projects on the basis of certain labor relations policies of the potential contractors and subcontractors; to the Committee on Government Operations.

By Mr. RIDGE:

H.R. 3043. A bill to provide for the voluntary environmental cleanup of existing industrial sites; to further define the cleanup liability of new industries, financial institutions and tenants; to provide for the voluntary cleanup of industrial sites by responsible owners; to define cleanup liabilities on abandoned industrial sites; to establish the Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; and to provide for the registration of environmental consulting professionals; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Ms. SCHENK (for herself, Ms. SHEPHERD, Mr. FINGERHUT, Mr. DEAL, Ms. ESHOO, Ms. FURSE, Mrs. CLAYTON, Mr. KLINK, and Mr. MCHALE):

H.R. 3044. A bill to prohibit retroactive income tax increases; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 3045. A bill to extend through December 31, 1995, the existing temporary suspension of the duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. STARK):

H.R. 3046. A bill to amend the Public Health Service Act to limit the referral by a physician to certain services in which the physician has a financial relationship; to the Committee on Energy and Commerce.

By Mr. ANDREWS of Texas:

H.R. 3047. A bill relating to the tariff treatment of theatrical, ballet, and operatic scenery, properties, and sets; to the Committee on Ways and Means.

By Mr. HERGER:

H.J. Res. 258. Joint resolution proposing an amendment to the Constitution of the United States prohibiting retroactive increases in taxes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

238. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to the Marine Corps Logistics Base at Barstow, CA; to the Committee on Armed Services.

239. Also, memorial of the General Assembly of the State of California, relative to military base closure; to the Committee on Armed Services.

240. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to Ambassador Franklin Haydn Williams; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a bill (H.R. 3048) for the relief of Vivian Eney; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FARR.

H.R. 48: Mr. ISTOOK.

H.R. 58: Mr. CALVERT.

H.R. 64: Mr. FALEOMAVAEGA.

H.R. 65: Ms. WOOLSEY and Mr. STEARNS.

H.R. 66: Mr. DORNAN.

H.R. 68: Mr. CANADY and Mr. FISH.

H.R. 133: Mr. STOKES and Mr. ARMEY.

H.R. 214: Ms. LAMBERT.

H.R. 291: Mr. BAESLER, Mr. PRICE of North Carolina, Mr. UPTON, and Mr. GEJDENSON.

H.R. 303: Ms. WOOLSEY.

H.R. 431: Mr. MACHTLEY.

H.R. 509: Mr. ISTOOK.

H.R. 546: Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Mrs. MORELLA, Mr. RAVENEL, Mr. ANDREWS of Maine, Mr. LANTOS, Mr. BAESLER, and Mr. UNDERWOOD.

H.R. 649: Mr. STARK.

H.R. 773: Mr. STRICKLAND.

H.R. 830: Mr. HOEKSTRA and Mr. ARMEY.

H.R. 840: Mr. TUCKER and Mr. RUSH.

H.R. 943: Mr. QUILLEN, Mr. SMITH of New Jersey, Mr. WASHINGTON, Mr. RAHALL, Mr. KOPETSKI, Ms. DUNN, and Mr. MURPHY.

H.R. 961: Mr. ROEMER.

H.R. 977: Mr. SLATTERY.

H.R. 998: Mr. ROEMER.

H.R. 1027: Mr. TUCKER, Mr. FILNER, Ms. WOOLSEY, Mr. WAXMAN, and Mr. TORRES.

H.R. 1135: Mr. NADLER and Mr. MCDERMOTT.

H.R. 1200: Mr. RAHALL.

H.R. 1276: Mr. GRAMS and Mr. HAYES.

H.R. 1293: Mr. TALENT, Mr. ARMEY, and Mr. SMITH of Michigan.

H.R. 1322: Mr. GALLO and Mr. SOLOMON.

H.R. 1332: Mr. HASTERT and Mr. MCCLOSKEY.

H.R. 1362: Mr. RUSH.

H.R. 1394: Mr. RUSH.

H.R. 1423: Mr. LAZIO, Mr. INSLEE, Mr. PORTMAN, Mr. KLEIN, Mr. GILCHREST, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. DIAZ-BALART, and Mr. TUCKER.

H.R. 1431: Mr. UNDERWOOD.

H.R. 1434: Mr. SANDERS and Mr. ANDREWS of Maine.

H.R. 1442: Mr. CLINGER, Mr. QUINN, and Mr. SANTORUM.

H.R. 1455: Ms. PELOSI.

H.R. 1480: Mr. RUSH.

H.R. 1583: Mr. MORAN, Mr. PALLONE, and Mr. ANDREWS of New Jersey.

H.R. 1617: Mr. CRANE, Mr. EVANS, Mr. EWING, Mr. HASTERT, Mr. HYDE, Mr. MICHEL, Mr. PORTER, Mr. GUTIERREZ, and Mr. POSHARD.

H.R. 1618: Mr. KOLBE.

H.R. 1671: Mr. WHEAT, Mr. CLAY, Mrs. MEEK, and Mrs. MORELLA.

H.R. 1709: Mr. LANCASTER, Mr. GUNDERSON, Mr. SANDERS, Mr. BACHUS of Alabama, Mr. KOLBE, Mr. ACKERMAN, Mr. LAZIO, Mr. HOBSON, Mr. WALSH, and Mr. RAVENEL.

H.R. 1793: Mr. ABERCROMBIE, Mr. BERMAN, Mr. RUSH, and Mr. EDWARDS of California.

H.R. 1795: Mr. HOLDEN and Mr. MARTINEZ.

H.R. 1815: Mr. BOEHNER, Mr. DOOLITTLE, and Mr. CLINGER.

H.R. 1841: Mr. BAKER of California.

H.R. 1843: Mr. MILLER of Florida.

H.R. 1898: Mr. LIGHTFOOT.

H.R. 2021: Mr. POSHARD.

H.R. 2059: Mr. ARMEY and Mrs. MEYERS of Kansas.

H.R. 2121: Mr. RAVENEL, Mr. BROWDER, Ms. MOLINARI, Mr. MILLER of Florida, Mr. TALENT, and Mr. MCCOLLUM.

H.R. 2132: Mr. POMBO.

H.R. 2173: Mr. GALLO.

H.R. 2207: Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CRAPO, Mr. DOOLITTLE, and Mr. ORTON.

H.R. 2241: Mr. JOHNSON of South Dakota, Mrs. MEEK, Mrs. SCHROEDER, Mr. DARDEN, and Mr. MONTGOMERY.

H.R. 2292: Mr. COLLINS of Georgia.

H.R. 2417: Mr. UPTON, Mr. FOGLIETTA, Mr. BACHUS of Alabama, and Mr. MOAKLEY.

H.R. 2431: Mr. JOHNSTON of Florida, Mr. SHAW, Mr. LEWIS of Florida, Mrs. THURMAN, Mr. HASTINGS, and Mr. LANCASTER.

H.R. 2434: Mr. PAXON and Mr. SHAYS.

H.R. 2443: Ms. ROYBAL-ALLARD, Mr. GILLMOR, Mr. HOBSON, Mr. RUSH, Mr. WILLIAMS, Mr. MANN, Mr. PRICE of North Carolina, Mr. MONTGOMERY, Mr. BATEMAN, Mr. HANSEN, Mr. DOOLEY, Mr. FROST, Ms. DANNER, Mr. INSLEE, Ms. SNOWE, Mr. HAYES, Mrs. UNSOELD, Mr. KREIDLER, Mr. DURBIN, Mr. BERMAN, Mr. ANDREWS of Texas, Mr. ROSE, Mr. LIGHTFOOT, Mr. MCDERMOTT, Mr. SANTORUM, and Mr. PAYNE of Virginia.

H.R. 2462: Mr. ROBERTS, Ms. SNOWE, and Mr. FISH.

H.R. 2484: Mr. REYNOLDS and Mr. GUTIERREZ.

H.R. 2529: Mrs. THURMAN and Mr. HAYES.

H.R. 2589: Mr. MAZZOLI.

H.R. 2602: Mr. SENSENBRENNER.

H.R. 2609: Mr. HYDE, Mr. BARCA of Wisconsin, Mr. EMERSON, Mr. WILSON, Mr. FARR, Mr. PARKER, Mr. JOHNSON of South Dakota, Mr. UNDERWOOD, Mr. LAUGHLIN, and Mr. MILLER of California.

H.R. 2623: Mr. DEUTSCH and Mr. FRANK of Massachusetts.

H.R. 2641: Mr. CLAY.

H.R. 2691: Mr. TOWNS and Mr. GILMAN.

H.R. 2692: Mr. PASTOR, Mrs. MEEK, and Ms. VELAZQUEZ.

H.R. 2710: Mr. STARK and Mr. GENE GREEN of Texas.

H.R. 2727: Mr. BONIOR, Mr. BEILENSON, Mr. TORRES, Mr. ANDREWS of New Jersey, Mr. BERMAN, Mr. STARK, Mr. EVANS, and Mr. CLAY.

H.R. 2736: Mr. SCHIFF, Mrs. SCHROEDER, Ms. SCHENK, Ms. PELOSI, and Mr. BONILLA.

H.R. 2790: Mrs. THURMAN, Mr. OLVER, Mr. LANTOS, Mr. BERMAN, Mr. EDWARDS of California, Mr. FOGLIETTA, Mr. SABO, Mr. FAZIO, Mr. TUCKER, and Mr. FISH.

H.R. 2841: Mr. LIGHTFOOT.

H.R. 2846: Mr. BRYANT, Ms. MOLINARI, Ms. WATERS, Mr. JACOBS, Mr. GREENWOOD, Mr. TORRES, Mr. STUDDS, Mr. SERRANO, Mr. FRANK of Massachusetts, Mrs. MEEK, and Mr. HUGHES.

H.R. 2848: Mr. KANJORSKI, Mr. BEREUTER, and Mr. STUDDS.

H.R. 2873: Mr. BACCHUS of Florida, Mr. PORTER, Mr. QUILLEN, Mr. RAVENEL, and Mr. SUNDQUIST.

H.R. 2879: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H.R. 2884: Mr. FROST.

H.R. 2933: Mr. MCDERMOTT, Mr. SERRANO, Mr. RICHARDSON, Mr. BONIOR, Mr. DELLUMS, Mr. BACCHUS of Florida, Mr. SANDERS, and Mr. RANGEL.

H.R. 2973: Mr. SOLOMON, Mr. MCHUGH, and Mr. SCHIFF.

H.R. 3012: Mr. EVANS, Mr. EMERSON, Mr. TALENT, and Mr. SMITH of Iowa.

H.J. Res. 11: Mr. BECERRA, Mr. BISHOP, Ms. DANNER, Mrs. FOWLER, Mr. GEJDENSON, Mr. HAMBURG, Ms. KAPTUR, Mr. KLEIN, Mr. LAZIO, Mr. RAMSTAD, Mr. SABO, Mrs. UNSOELD, Mr. BILIRAKIS, Mr. BREWSTER, Mr. CALLAHAN, Mr. CLINGER, Mr. DE LUGO, Mr. DIXON, Mr. FALEOMAVAEGA, Mr. HALL of Ohio, Mr. HEFNER, Mr. JEFFERSON, Mr. LEVIN, Mr. SAXTON, Mr. SKEEN, Mr. BAKER of California, Mr. CARDIN, Mr. CASTLE, Mr. COOPER, Mr. HAMILTON, Mr. HYDE, Mr. LEWIS of Florida, Mr. MATSUI, Mr. MORAN, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. ROBERTS, Mr. SKELTON, Ms. SNOWE, and Mr. STARK.

H.J. Res. 79: Mr. BUYER, Mr. SLATTERY, and Mr. TALENT.

H.J. Res. 86: Mr. KENNEDY, Mr. GENE GREEN of Texas, Mr. THOMAS of California, Mr. KING, Mr. SKELTON, Mr. HASTERT, Mr. HOUGHTON, Mr. BOEHLERT, Mr. CARR, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. CALLAHAN, Mr. TORKILDSEN, Mr. PICKLE, Mr. REYNOLDS, Mr. GALLO, Mr. HOEKSTRA, and Mr. HOCHBRUECKNER.

H.J. Res. 111: Mr. EDWARDS of Texas, Mr. STENHOLM, Mr. DELAY, Mr. COX, Mr. HOLDEN, Mr. TORKILDSEN, Mr. BERMAN, Mr. ACKERMAN, Mr. WOLF, Mr. FISH, and Mr. SLATTERY.

H.J. Res. 131: Mr. CARDIN, Mr. DELAY, Mr. BLILEY, Mr. PICKLE, Mr. GALLO, Mr. MCCRERY, and Mr. DOOLITTLE.

H.J. Res. 140: Mr. COBLE, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. BAESLER, Mr. PETRI, Mr. FORD of Tennessee, Mr. CRAMER, Ms. BROWN of Florida, Mr. MENENDEZ, Ms. KAPTUR, Mr. HILLIARD, Mrs. MEEK, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. LEWIS of Florida, Mr. QUINN, Mr. PASTOR, Mr. OWENS, Mr. BUNNING, Ms. DUNN, Mr. PRICE of North Carolina, Mr. SHAW, Mr. HUTTO, Mr. HAMILTON, Mr. COLEMAN, Mr. GORDON, Mr. NUSSLE, Mr. HASTINGS, Mr. CLEMENT, Mr. MCCRERY, Mr. MCCLOSKEY, Mr. COOPER, and Mr. DEUTSCH.

H.J. Res. 145: Mrs. JOHNSON of Connecticut, Mr. CANADY, Mr. MCDADE, Mr. FISH, and Mr. LIGHTFOOT.

H.J. Res. 194: Mr. BAKER of Louisiana, Mr. KOPETSKI, Mr. GEKAS, Mr. INHOFE, Mr. BLILEY, Mr. SHAYS, Mr. SLATTERY, Mrs. MINK, Mr. JOHNSON of Georgia, Mr. MOORHEAD, Mr. MANTON, Mr. LEWIS of Georgia, Mr. KLECZKA, Mr. DARDEN, Mrs. MEEK, Mr. EVERETT, and Mr. LEVIN.

H.J. Res. 198: Mr. VALENTINE, Mr. WOLF, Mr. DE LA GARZA, and Mr. BOEHLERT.

H.J. Res. 209: Mr. KIM.

H.J. Res. 212: Mr. CLYBURN, Mr. CLINGER, and Mr. BLILEY.

H.J. Res. 214: Mr. SOLOMON.

H.J. Res. 219: Mr. YOUNG of Alaska, Mr. DEFAZIO, Mr. GOODLING, Ms. DUNN, Mr. OXLEY, Mr. LEACH, Mr. BONILLA, Mrs. JOHNSON of Connecticut, Mr. ARMEY, Mr. COOPER, Mr. COSTELLO, Mr. DICKS, Mr. FOGLIETTA, Mr. PACKARD, Mr. ZELIFF, Ms. PRYCE of Ohio, Mr. BOEHLERT, Mr. COBLE, Mr. GONZALEZ, Mr. HALL of Texas, Ms. NORTON, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. FIELDS of Louisiana, Mr. FIELDS of Texas, Mr. MURTHA, Mr. ROGERS, Mr. SCOTT, Mr. SMITH of Oregon, Mr. SMITH of Iowa, Mr. BOUCHER, Mr. SANGMEISTER, and Mr. COLLINS of Georgia.

H.J. Res. 226: Mr. MCDADE.

H.J. Res. 234: Mr. KLECZKA, Ms. ESHOO, and Mr. VALENTINE.

H. Con. Res. 95: Mr. SANDERS, Mr. JACOBS, and Mr. MAZZOLI.

H. Con. Res. 100: Mr. YOUNG of Alaska, Mr. LANCASTER, and Mr. SYNAR.

H. Con. Res. 107: Mr. GILCHREST, Ms. MOLINARI, Mr. PETE GEREN of Texas, Mr. PAYNE of New Jersey, Mr. COBLE, Mr. ZIMMER, Mr. WOLF, Mr. TRAFICANT, Mr. TORRES, Mr. PALLONE, Mrs. MEEK, Mr. MINETA, Mr. MILLER of California, Mr. NEAL of North Carolina, Mr. BEREUTER, Mr. BILBRAY, Ms. BROWN of Florida, Mr. CONYERS, Mr. EDWARDS of California, Ms. FURSE, Mr. BRYANT, Mr. KLEIN, Mr. MANTON, and Mr. MARTINEZ.

H. Con. Res. 110: Mr. HAMILTON.

H. Con. Res. 141: Mr. BALLENGER, Mr. BLILEY, Mr. SAXTON, Mr. COMBEST, Mr. GOSS, Mr. HUTTO, Mrs. LLOYD, Mr. SOLOMON, Mr. LEHMAN, Mr. LEWIS of Florida, Ms. MOLINARI, Mr. BAKER of Louisiana, Mr. COPPERSMITH, Mr. SCHIFF, and Mr. HUNTER.

H. Res. 86: Mr. BARCA of Wisconsin.

H. Res. 134: Mr. PORTMAN, Mr. DEFAZIO, Mr. HANCOCK, Ms. MARGOLIES-MEZVINSKY, and Mr. WILLIAMS.

H. Res. 202: Mr. MOAKLEY, Mr. FINGERHUT, and Mr. ORTON.

H. Res. 234: Mrs. UNSOELD, Mr. BALLENGER, Ms. BROWN of Florida, Mr. GORDON, Mr. SANDERS, Mr. DICKEY, Mr. JOHNSON of Georgia, Mr. WASHINGTON, Mr. CONDIT, and Mr. TRAFICANT.

H. Res. 239: Mr. MILLER of Florida, Mr. GOSS, Mr. BARTON of Texas, and Mr. SAM JOHNSON.

H. Res. 242: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H. Res. 243: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H. Res. 244: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, Mr. STUMP, and Mr. ARMEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

55. By the SPEAKER: Petition of the City Council of Seattle, relative to the rights of gays and lesbians to fair and equal treatment in the Armed Services; to the Committee on Armed Services.

56. Also, petition of the Municipal Council of Famagusta, Cyprus, relative to the unlawful invasion of the famous harbour and resort town of Famagusta in 1974; to the Committee on Foreign Affairs.

SENATE—*Thursday, September 9, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer will be led this morning by the Reverend Richard C. Halverson, Jr., of Falls Church, VA, the son of the Senate Chaplain.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

It is written: *For promotion cometh neither from the east, nor from the west, nor from the south. But God is judge: he putteth down one, and setteth up another.*—Psalm 75:6,7.

And again, as God * * * changeth the times and the seasons: he removeth kings and setteth up kings * * *.—Daniel 2:21.

Eternal God, we are reminded that all authority comes from You. Though each Member of the Senate is elected by the people, they are ordained by You. Teach us to know that You have chosen us to fulfill a special purpose and that we are ultimately accountable, not just to the public, but to our Heavenly Father. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1298, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Byrd modified amendment No. 782, to limit the involvement of Armed Forces in Somalia.

Mr. COATS. Mr. President, we hope this morning to clear a number of agreed-to amendments. I think we will be doing that shortly. We are waiting for the arrival of some other Members. In the meantime, let me proceed with just a few remarks in general about the legislation that is before us.

Mr. President, this year's defense budget, as it stands, shows good intentions confirmed by good judgment. Our changing world allows some reductions in military spending. Our dangerous world still demands American strength. On the Armed Services Committee, we have wrestled with the need for both realism and readiness. The budget before us manages to cut without crippling.

I think Senator NUNN and Senator THURMOND deserve a great deal of credit for continuing to focus our attention on the needs of the real world. We understand the restrictions and the limitations of the budget. We understand the need to redefine our mission and our roles in this post-cold-war era, but we also understand that the world we face continues to offer many challenges and many threats.

This budget authorizes an active duty strength of 1,622,200, which is 1,600 above the administration's request. It authorizes a military pay raise of 2.2 percent, effective January 1, 1994. It increases funds for readiness and training programs. It establishes a firm legal foundation for a DOD policy on homosexuality. And it authorizes a total of $89.4 billion for operation and maintenance programs, $300 million more than the budget request.

Secretary of Defense Aspin has called this a "treading water budget" and in many ways he is correct. It is not a radical departure from the recent past—the Bush administration's sustained but careful defense reductions. Last week, the Clinton administration released its preliminary outline of the bottom-up review. A close analysis of that review, along with more specific information, will be needed in an attempt to determine the President's broader vision for defense policy. I know Senator NUNN intends a thorough review of that proposal.

This budget is acceptable this year, but future defense spending plans will demand our very careful scrutiny and attention. The outlines of that future are very sketchy at this point, but have begun to emerge. There are signs of warning and danger, and we have heard some important words of caution.

Secretary Aspin himself has declared that there is "increasing and anecdotal evidence of softness" in military readiness. He says we can detect "early warning signs" that the force might be losing its combat edge.

Adm. Frank Kelso, the Chief of Naval Operations, has commented, "we are, I think, at the ragged edge of readiness."

Gen. Gordon Sullivan, the Army Chief, has said that the Army is "at the razor's edge." Readiness, he has argued, "is not only flying hours and moving trucks around, it is the civilians who support the force, it is the base structure, ammunition to train with, and maintenance."

What is the fear that we are looking at? Why the reservation? Why the caution? The fear is that we will return to a hollow force—slipping back into the military nightmare of the 1970's. Resources stretched and overextended. Morale in decline. Shortages of spare parts. Longer and more frequent deployments.

Former Secretary of the Navy Sean O'Keefe commented in a speech in April of this year,

Force structure—this is the area of maximum danger * * * because excessive cuts here will lead us straight to the "strategy-resources mismatch" of the late 1970's—too big a strategy for our limited resources. We've been there. We've done that. And * * * we don't want to return.

"Too big a strategy for our limited resources."

We discussed that issue last night in what I thought was one of the most important debates the Senate has engaged in in several months. Senator BYRD'S amendment forced that debate. It was a necessary debate. It continues to today. It is a debate that I think this body should undertake until it is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

determined, along with the administration, how to fashion a policy for the nineties that will address the role of the United States and the role of the U.S. military.

Combat readiness is built with the work of years, even decades. But it can be undermined in a matter of months, or even with an amendment on this floor. With disruptive personnel policies and job insecurity, with drastic, politically motivated cuts, with funding for operations at the expense of readiness, with cutbacks in military health care.

We are starting to get a glimpse of some of the these concerns in the administration's 5-year defense budget. We do not want to take America's military closer to the edge of readiness.

I have a particular concern for military personnel issues. The quality and motivation of our people is central to our success. Even high-technology battles are ultimately won by individual skill, nerve, courage, and morale.

Men and women in the armed services risk their lives; are frequently forced to move; endure separation from their families for long periods of time; are stripped of their privacy; work long hours without extra pay; and often must return to the civilian job market in midlife. Under these circumstances, morale becomes a serious issue. Soldiers need to be convinced that civilian leaders understand their lives and speak for their interests.

It is deeply disturbing that the primary accomplishments of the 1994 defense budget debate are reversals of former administration's personnel policies. The pay freeze that the President proposed would have widened the gap between military and civilian pay, making retention of our best people all the more difficult and attraction of new recruits more difficult. Lieutenant General Boles, the Army Personnel Chief, comments,

> When the Nation moved to an all-volunteer military force in the early 1970's, it was acknowledged this would require a significant financial commitment to improving and sustaining military compensation programs * * * the lesson of the late 1970's is that too many good people leave if their pay and benefits lag too far behind for too long.

The President's policy on homosexuals in the military would have undermined morale and prevented commanders from dealing with problems in their units. Make no mistake. The legislation before us does not codify the administration's flawed approach—it overturns it. In fact, this Defense bill is primarily a success because the President was forced to retreat on several key issues.

There were some problems in this budget which were largely resolved. But the outlook is far more disturbing in the President's future years spending plan. It was adopted earlier this year without details on where cuts will come or what their effect might be.

The President has engaged in a bidding war over defense cuts. He started with $60 billion in defense reductions over 5 years during his campaign. The cuts he now proposes are more than double that amount. President Clinton has set a force level target of 1.4 million in 1995, 200,000 below President Bush's goal.

This comes layered on top of substantial reductions already made by President Bush. As the distinguished chairman of the Armed Services Committee commented during an earlier debate,

> Those who claim that defense has not been substantially reduced since the end of the cold war are flat out wrong * * * The Defense Department in the past few years has carried more than its share of sacrifice for lowering the deficit. Indeed, the Defense Department seems to be the only part of the Federal Government that has carried its fair share.

How will an additional $120 billion in Defense cuts proposed by the President effect the military? Will our technological edge be dulled? Will the quality of life and morale of our soldiers be undermined? Will we compromise the speed and effectiveness with which we can respond to aggression?

Will we be able to meet the challenges of the future? Will we be able to define a role for the military that will help us accomplish important foreign policy objectives?

We are waiting for answers to these questions. This is not just a matter of numbers on paper or political dealmaking. Our future choices will determine the quality of our force, the safety of our soldiers, and our ability to act in the world. And the President's direction and suggestions are not encouraging in this respect.

So, it behooves us as a Congress to address these questions seriously. Because these decisions are vital even after the end of the cold war.

We have had compelling proof of this fact in the 5 years since the fall of the Berlin Wall. Emergencies have followed, one on another. Who can forget the euphoria that existed in this body and across the Nation and around the world when the Berlin Wall fell; when the Russian revolution overthrew nearly 70 years of dictatorship and totalitarianism? Many were looking at a changed world, a whole new world order.

But emergencies have followed, one after another. Zbigniew Brzezinski talks of the "whirlpool of violence" erupting among 30 countries in early stages of nation building.

A recent center for naval analysis study shows that the United States has used military force more than 240 times since 1945. In spite of the focus on the former Soviet Union and Warsaw Pact countries during the cold war, well over 80 percent of these conflicts had nothing to do with cold war powers.

In defense policy, the future comes quickly. History can move with the speed of tanks. News travels with the speed of light. But morale and readiness must be carefully constructed over years. Short-term choices will have far-ranging consequences.

When readiness declines, isolationism advances. The limits on our power set the limits on our influence, our will and our vision. The trend of Clinton defense spending is clear—and it will constrict the range of America's future actions.

America stands at a pinnacle of world influence—influence that is not unlimited, but is still unprecedented. Yet in 5 years, if we follow the President's path, we may well be left with no other choice than to accept under Secretary of State Tarnoff's doctrine:

> We simply don't have the leverage, we don't have the influence, we don't have the inclination to use force and we certainly don't have the money to bring to bear the kind of pressure that will produce positive results any time soon.

The central lesson of five decades, under both Republicans and Democrats, is that American leadership works. Without our example and effort—without our readiness and capability—vast portions of the world might still remain in endless oppression. Berlin taken without an American airlift. Greece conquered by Guerrillas, without American help. Central America, imprisoned like Cuba. Hussein in control of half the world's oil supply.

New threats now replace old enemies—unstable dictatorships seek weapons of mass destruction; violence is unleashed by decaying empires; regional power grabs become global threats. And still it is America alone that can preserve the peace by preserving its power.

President Clinton inherited a military that is strong and ready. Those qualities were pursued in a military buildup and preserved through the careful spending reductions of recent years. That inheritance must not be wasted, because it is not easily regained.

I will conclude by stating there are warning flags flying. There are bells and whistles that are sounding. If our readiness is compromised by drastic cuts or undermined by disruptive policies; if American foreign policy in the future is paralyzed by American weakness, if the morale of American troops is undercut so when their needs are ignored; the responsibility will be clear. We will have squandered a precious resource that we took a decade to rebuild. We need to understand the value of this resource for a world that is troubled by a number of conflicts, and conflicts we cannot even anticipate. We cannot and should not allow this to happen, and I hope we do not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

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Mr. NUNN. Mr. President, just a brief report of where we are on the bill. We made good progress on the Defense bill yesterday. We completed action on two very controversial amendments; one related to DOD support for research and development on metalcasting. That one had a good debate before we did settle it. It was originally to go to a rollcall vote but there was a settlement worked out that I think was basically a big improvement on what was in the bill.

And then we also had a very controversial and difficult amendment on antitheater ballistic missiles and the ABM Treaty. That one was also worked out I think in a sound fashion.

We made a good start on a long overdue debate in the Senate on United States policy in Somalia. Senator BYRD offered an amendment on that and we had a good debate on it. We are still determining if we can come up with a substitute that represents a consensus that would basically uphold the United States' position, leadership in terms of the United Nations and in terms of coalition working together in Somalia, but at the same time narrow the scope of the mission so we do have a clarity of what it is we are undertaking. Not so much, as far as I am concerned personally, in terms of length of time because I think it is always a mistake to define a military mission based on the calendar, but rather in terms of the mission itself and the scope of the mission.

We have hopes that one may be able to be at least crystallized to the point that we can reach a rollcall vote on it later today.

This morning we have a series of amendments that have been cleared on both sides, working together yesterday, which we hope to act on in the next few minutes. At 9:30 this morning, underthe agreement reached last night, Senator BOXER from California will be recognized to offer an amendment concerning the issue of gay men and lesbians in the Armed Forces.

We have provisions in our bill relating to that subject. It is my understanding the amendment will be in the nature of a motion to strike the provisions in the bill with a substitute proposed by our colleague. We will have a debate on that.

I hope we can reach a time agreement on that subject which would not allow any second-degree amendments on the subject, because I think the issue is very clear between the motion to strike and the provisions in the bill. But, if we do get permission from the Senate to enter into that time agreement it is my hope we will debate that subject within 2 or 3 hours.

Once we get action on the Boxer amendment, which I will hope will be somewhere in the neighborhood of 12 or 12:30, then we will return to the Byrd amendment. By that time it will be my hope we could at least come to some conclusion in terms of a vote on that amendment or substitute thereto.

It is then my hope, although there is no agreement on this, it will be up to the Senate—I hope we will then turn to a series of amendments on strategic defense initiative, which is another matter of considerable interest and concern and controversy. I hope we could say stay on that subject until we complete all amendments on that. There is no time agreement, but it seems to me that is the orderly way to proceed, to stay on that subject and complete action on all of those amendments relating to SDI funding or relating to other parts of SDI sometime late this afternoon or early evening.

The majority leader said he wants to complete action on the bill this week. Certainly I share that. If we put in a good day today, if we do not have any unexpected interruptions—and I use the word "unexpected" cautiously because I have gotten to the point here that I do not unexpect anything. I expect that the unexpected may occur.

If we were to have an unusual day in the Senate, without unexpected interruptions, then I hope we would be within sight of finishing this bill late tomorrow afternoon or tomorrow evening so we would not have to go into a Saturday session. That would be my hope.

That remains to be seen. Mr. President, that is where we are now. Does the Senator from Indiana have any observations from a Republican viewpoint?

Mr. COATS. Mr. President, I will just concur with the sentiments of the Senator from Georgia. I think the hope of committee members on both sides is that we can proceed with due diligence and get through a number of amendments and hopefully bring the bill to resolution this week. I know the majority leader and the minority leader are committed to that. We, on our side, are committed to that, so we will do everything we can to expedite that process.

Mr. NUNN. I thank the Senator from Indiana.

Mr. President, we do have some amendments that have been worked out. I see the Senator from Michigan on the floor. It would be my intention to take up several amendments at this point. It will not take long. Does the Senator have an amendment?

Mr. RIEGLE. Mr. President, I do have an amendment that I want to offer at the appropriate point that relates to the gulf war syndrome problem and some work that we have done that sheds new light on that. It is an amendment to provide medical research money. But I think the thrust of the analysis, the investigation we have done is significant enough and important enough that at an appropriate time today, I want to lay it out. It will take me about 15 minutes.

I think it is something every Member will be interested in knowing. So I would like to do that at a convenient time, both for the manager of the bill and for myself. We have other activities going on today.

Mr. NUNN. I thank the Senator from Michigan. That is a subject of considerable interest to members of our committee. I look forward to hearing from you on that subject. Has that amendment been submitted to us to determine if we can accept it?

Mr. RIEGLE. Yes, it has. We have made some adjustments to it, but you have that. My hope is it will have the support of the committee. One relevant part relates to earlier work that was done with respect to one weapons explosion condition that affected a number of troops from Alabama. Senator SHELBY, for example, a member of your committee, has been very much concerned about that particular element. But that fits into a larger story here.

In any event, I know the committee has had a chance to look at it. I want to make sure the committee is fully aware of it, and I hope to have the committee support at the appropriate time.

Mr. NUNN. I also will be alerted to any kind of window we may have here where the Senator will have a schedule convenience so he can come over.

Mr. RIEGLE. Before, if I may just for one additional minute indicate——

Mr. NUNN. I yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator. What I would like to do at an appropriate point—and I think this will be of keen interest generally—is I would like to be able to take about 15 minutes, lay this analysis out. It will be, as I say, the foundation for the amendment, and I think it is a very important matter. I would like to do it as soon as possible because there is very strong interest in it. I think the sooner we can lay it out for everybody's information the better.

Mr. NUNN. I thank the Senator from Michigan. If we have any kind of lag in this proposed schedule we are talking about right now, I will be glad to get in touch with the Senator. Of course, he has the right to get the floor at any time in any event, but we will certainly try to accommodate him as best we can.

Mr. RIEGLE. This would not be a good time?

Mr. NUNN. We are supposed to start at 9:30 on the amendment of the Senator from California. That schedule has been laid down and has not been changed. It would be my preference we really have to get started on that one if at all possible.

Mr. RIEGLE. I wonder, would it be appropriate, as long as we are here and set to go, if I begin this. I may well be able to get through most of it before she arrives.

Mr. NUNN. Why not go ahead and do that, and I will defer these amendments.

Mr. RIEGLE. I appreciate that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, over the last several months, I have heard from Michigan veterans of the gulf war about various unexplained illnesses that many of them are suffering.

For example, I was contacted by Brian Martin of Niles, MI, a gulf war veteran of the 37th Combat Airborne Engineer Battalion, 20th Airborne Brigade, 18th Airborne Corps, who arrived in Saudi Arabia on October 8, 1990. According to Martin, in late January 1991, while assigned to an area between Raffa and Naryian, about 6 miles south of the Iraqi border, he recorded in his journal and on videotape that chemical false alarms were going off almost every day. At first, the alarms were explained as being caused by vapors coming off the sand. Later, since the alarms kept going off, the troops no longer believed that they were being caused by the vapors. Martin said they were then advised that the alarms were sounding because of minute quantities of nerve agent in the air, released by the coalition bombing of Iraqi chemical weapons facilities. The troops were assured that there was no danger.

Martin also claims to have witnessed a Patriot intercept of an incoming Scud missile between Kafji and Wahdi Albatin during the air war period. Martin was given the antichemical warfare medication pyridostigmine, and suffered some adverse side effects. According to Martin, the drug made him jittery and made his vision jiggle. Since returning from the Saudi Arabia, Martin has experienced memory loss, swollen and burning feet, joint disorders, muscle weakness, heart palpitations, shortness of breath, rashes, fatigue, headaches, insomnia, bleeding from the rectum, chronic coughing, running nose, burning eyes, and uncontrollable shaking on his right side extremities.

After I heard his story, I asked my staff to look into this, and, with great care, to try to track this down. I now believe that there is a significant body of evidence to suggest that United States and coalition forces may have been exposed to chemical warfare agents and other hazardous substances during direct enemy attacks and as a result of downwind exposures during the bombing of Iraqi chemical, biological, and nuclear facilities.

So today, I am releasing in full a report detailing the coincidence of symptoms which suggest that these exposures may be causing many of the illnesses that have become known as gulf war syndrome. I now believe there is sufficient evidence to warrant a full investigation by the Department of Defense, and I will be offering an amendment, as I have just said, later in the day, calling for such an investigation as part of this bill.

In advance of the gulf war, there was a great deal of speculation about whether Iraqi Forces might resort to using chemical warfare agent loaded missiles in their attacks on United States Forces. We know, for example, that Saddam Hussein was capable of using these types of weapons.

Two United States-based human rights organizations have confirmed that they found residues of chemical weapons used by the Iraqi Government against Kurdish villagers in northern Iraq in 1988 and at least four people were killed in that attack. Physicians for Human Rights, and Human Rights Watch, using advanced analytical techniques, determined the presence of mustard gas and a nerve gas called Sarin in a Kurdish village. Five U.N. reports confirmed the use of chemical warfare agents in the Iran-Iraq war.

Nerve agents, of course, disrupt the metabolic process and inhibit the proper functioning of the nervous system. Exposure to chemical agents may cause drooling, sweating, cramping, confusion, irregular heartbeat, convulsions, loss of consciousness, coma and, obviously, people can die from these effects either immediately or over a longer period of time.

Little is known about the consequences of nonlethal exposure to these toxins. Thousands of American service men and women who served in the gulf war are reporting memory loss, muscle and joint pain, intestinal and heart problems, teeth problems, rashes, sores, and runny noses. Physicians have been unable to diagnose the cause of these disorders.

Weapons inspectors from the United Nations confirmed that Iraq manufactured mustard gas, as well as Sarin, and Tabun, nerve agents, in a major chemical weapons facility. One facility is described as the third-largest chemical weapons plant in the world. During the allied bombing in the early days of the gulf war these facilities were a priority target. They were repeatedly attacked and production sites were believed to be destroyed. Much of Iraq's chemical arsenal was destroyed, but many chemical weapons were removed to other locations before the gulf war started. Thousands of chemical artillery shells, bombs, missiles and other chemical weapons of mass destruction and hundreds of tons of mustard gas and nerve gasses survived the coalition bombings.

U.N. inspectors are now attempting to destroy Iraq's remaining chemical weapons arsenal. For example, 28 warheads for Scud missiles loaded with 5 gallons of the deadly nerve agent Sarin were drained and destroyed by the U.N. inspectors.

In testimony earlier this year before the Senate Committee on Armed Services, several gulf war veterans told what they believe are chemical weapons attacks. During the early morning hours on January 17, 1991, in an area of eastern Saudi Arabia south of Kuwait, there was a large explosion followed by the sounding of chemical alarms. Soldiers ran to the bunker and their faces began to burn. One member of the unit collapsed. About 10 minutes later, the unit's first sergeant came by and told everybody to go to the highest level of alert. The unit, an Army National Guard ordnance company, remained on chemical alert for 24 hours.

Two or three days later, several soldiers began feeling ill and had blood in their urine and rectums. The soldiers were later ordered by their commanders not to discuss the incident. Of the unit's 110 soldiers approximately 85 suffer from medical problemstoday, one has died, and another is totally incapacitated.

S. Sgt. Willie Hicks, a former teacher and Vietnam veteran, now carries a notebook with him everywhere because he has a severe problem with memory loss. He has quit his job because he keeps passing out and getting lost. He and other members of the unit believe they were exposed to chemical warfare agents.

That day—the day of this event out in the war zone—the Associated Press reported that Iraqi ground forces in southeastern Kuwait fired FROG missiles across the border into Saudi Arabia. Some of the missile batteries were destroyed shortly afterward by United States helicopter gunships. That same day the official Government newspaper in Baghdad announced Iraq would unleash a secret weapon "which would astonish our enemies and fascinate our friends" and release "an unusual force."

Three days later on January 20, 1991, during the early morning hours, members of the naval construction battalion in the area south of the Kuwaiti border reported they heard the sound of an explosion overhead. Chemical alarms went off and everybody started running toward their bunkers. They smelled the sharp smell of ammonia. Their eyes burned and their skin was stung. Members of the unit donned full chemical gear for nearly 2 hours until the all-clear was given.

Later, the unit was told what they heard was a sonic boom. Many discounted it was a sonic boom because they had seen a fireball when the explosion occurred. They were ordered not to discuss the incident.

Today, PO Sterling Symms suffers from fatigue, sore joints, runny nose, a chronic severe rash, and open sores which have been diagnosed as an itching problem. Of this unit of 725 Seabees about 100 now suffer from medical problems. That same day, up to five FROG missiles were launched into the area south of the Kuwaiti border in Saudi Arabia. These missiles fell into the desert near U.S. Marine positions and, according to an issued report, several marines were wounded during the attack.

When my staff contacted the Department of the Army and the Department of Defense regarding the possibility that U.S. service men and women may have been exposed to chemical warfare agents, they were repeatedly told, despite recounting the events cited above, that there was no evidence the coalition forces were exposed to chemical warfare agent attacks. Yet several statements made by DOD officials concerning the shooting down of a C-130 in late January 1991, which resulted in the death of 14 airmen and the performance of the JSTARS Program, however, confirmed that chemical munitions, particularly FROG rockets fitted with chemical munitions were deployed to the front by Iraqi forces.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senator from California is to be recognized to offer an amendment.

Mr. RIEGLE. If the Senator from California would permit, I think I can finish rather quickly here.

Mrs. BOXER. Without objection.

Mr. RIEGLE. I thank the Senator. I ask unanimous consent to proceed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. This, of course, directly contradicts other statements made by the Department claiming that these weapons "never got distributed down to the battlefield" from storage sites north of the Euphrates River. Iraq reportedly followed Soviet chemical weapon and warfare doctrine which, according to the Centers for Disease Control, recommend the use of mixed agents and chemical warfare attacks.

These are these kinds of chemical cocktails that they talk about, that is, several types of these agents are used together. This sort of attack might carry a variety of nerve agents, blister agents, blood agents, and even biotoxins. The stinging and burning and smell of ammonia can be explained by a chemical agent such as lewisite. Other symptoms such as bleeding in the urine and rectum could occur from exposure to a biotoxin. The ability of chemical agents to penetrate a gas mask filter described by other members of this unit could be explained by the use of cyanogen which is another one of these agents.

According to CDC, different individuals would have different sensitivities to the effects of neuro and biotoxins administered in nonlethal doses, yet despite that fact 77.3 percent of the members of one unit and 13.8 percent of the other unit currently exhibit symptoms consistent with what has been called the gulf war syndrome, despite the fact that the Centers for Disease Control has advised that the military should be aware that Iraqi military doctrine advocates using these mixed agents or cocktails containing a variety of nerve-blister-blood agents as well as biotoxins.

So we have here this pattern beginning to fit together. Despite the fact that the stinging and the burning and the smell of ammonia described by the members of these units that I have cited are the very sensations that are consistent with the use of these kinds of chemical agents; yet we are told there is no evidence that chemical warfare agents were used.

According to the CDC, in order to develop proper diagnosis and to establish whether these illnesses are the result of the chemical warfare agent attacks, specific advanced neurological studies using computer enhanced EEG analysis and viral and other toxin searches using electron microscopes would need to be performed.

We know how to do this, but it is complicated and it takes some money, and we are not going to have the answer until that work is done. We certainly know we have a lot of walking wounded out there that come out of the field with the very symptoms we are describing.

U.S. military medical officials concede that they are notcurrently performing these tests because it is the position of the Defense Department that U.S. service men and women were not exposed to these agents.

In July, Senator SHELBY requested a Defense Department inspector general's investigation. As of last week, the Department of Defense informed my staff that this investigation has not yet even been started. I believe there is significant evidence that a chemical warfare agent attack could have occurred and that investigations into these events should be set in motion without any further delay.

A second group of veterans is exhibiting similar symptoms which could also be the result of exposure to chemical warfare agents and other hazardous substances. Gulf war veterans have reported that in January 1991, along the Iraqi-Saudi and Iraqi-Kuwaiti border, chemical alarms were going off almost every day. As Mr. Martin indicated, the alarms were first explained as being caused by vapors coming off the sand. Later, when the alarms kept going off, they were told that the alarms were sounding because of minute quantities of nerve agent in the area of coalition bombing of Iraqi chemical weapons facilities. They were assured there was no danger.

In late July 1993, the Czechoslovakia Minister of Defense confirmed that a Czechoslovak Federal Republic military decontamination unit that was stationed near the Saudi-Iraqi border detected chemical nerve agent Sarin in the air during the early stages of the gulf war. In this unit, 10 of the 185 individuals are believed now to be suffering from gulf war illnesses.

Weather reports during this period confirm that southeasterly winds could have carried these agents across the Saudi and Kuwaiti borders. The chemical warfare agent production plants, nuclear facilities, and other facilities bombed by the coalition forces during this period were located in Iraq northwest of coalition troops.

Yet despite the reports of our service men and women that chemical alarms sounded and troops were actually put on chemical alert, despite the unofficial confirmation of U.S. military personnel and the Czechoslovakian Government disclosure that the chemical alarms were sounding as a result of the nerve agent detection and despite the weather condition, the volume of agents released and the fact that chemical nerve agents are known to have cumulative effects, still the Defense Department claims there is no evidence that the U.S. troops were exposed to chemical warfare agents.

Finally, a third group of individuals may also beexhibiting symptoms as a result of side effects of taking medications designed to prevent the effects of chemical warfare agents. Nerve agent pretreatment drugs administered to U.S. service men and women also disrupt metabolic and nervous system processes in a way that interferes with the action of the nerve agent. Several veterans suffering from gulf war illnesses, including some who are medical officials, testifying before the House Veterans Affairs Committee earlier this year, claim that their illnesses are related to adverse side effects of these drugs they were given before they were even sent into the situation.

Little is known about the long-term consequences of exposure to low levels of nerve gas and even less about complications which might come from using combined agent weapons, but we need to understand how this can interfere with the neuro transmission process because that seems to be what is going on in many cases.

We do know that nonlethal exposure to pesticides, which would be somewhat relevant here, have manifested themselves in memory loss. Nearly every bodily process requires a properly functioning nervous system to operate. And there are sound neurological and biological diagnoses which could explain these symptoms and trace them back to these kinds of exposures.

But the research into the exposure of U.S. forces to chemical and biological warfare agents is not being conducted because, as I say, the Department has decided that there is no evidence that they were exposed to chemical warfare agents.

I say again I believe that, based on the examination of the facts cited above—and there is a longer report that buttresses this—there is sufficient evidence that members of the U.S. Armed Forces may have been exposed to mixed chemical warfare agents and possible biological toxins that an investigation is warranted, and it needs

to get underway now before another day passes. There is just really no excuse for any further delay. The investigation should go into the issue of exposure of our service men and women to these hazards. I think we need the latest advanced medical research applied to this problem, and we need to track this down now.

There have been other possible causes for gulf war disorders that have been suggested, such as exposure to pesticides, petrochemicals, burning landfills, oil well fires, depleted uranium from antitank emissions, and things of that kind.

Some of these possibilities have been discounted. Others may explain some of the illnesses. And all of this ought to be thoroughly researched.

So with the courtesy of the chairman—which I greatly appreciate—I will later be offering an amendment which will require the Department of Defense, in cooperation with the Department of Veterans Affairs, to conduct this research into the effects of exposure of the gulf war veterans to chemical warfare agents, biological warfare agents, biotoxins, and other chemical biological and radiological hazards.

We are going to ask for $5.7 million to conduct this research. I will break it out at a later time in terms of how it would be spent. The amendment requires the Department of Defense to provide a full accounting to the Congress on the nature of these exposures. And I believe in light of the evidence that we have put together and I am presenting today that these steps are fully justified.

Finally, I would like to acknowledge that the analysis was done by a member of my staff, Mr. James Tuite, who served as a special agent in the forensic service of the Secret Service, who is a specialist in counterterrorism and who was a medical specialist in the United States Army during the Vietnam war. He has done this with very great care.

So this work is important work that needs to be studied by every Senator.

I thank the Senator from Georgia for his courtesy, and also the Senator from California for bearing with this time.

Mr. President, I ask unanimous consent that the staff report to which I have referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GULF WAR SYNDROME: THE CASE FOR MULTIPLE ORIGIN MIXED CHEMICAL/BIOTOXIN WARFARE RELATED DISORDERS

(Staff Report to U.S. Senator Donald W. Riegle, Jr.)

INTRODUCTION

Over 4,000 U.S. veterans of the Gulf War suffering from a myriad of illnesses collectively labelled "Gulf War Syndrome" are reporting symptoms of muscle and joint pain, memory loss, intestinal and heart problems, fatigue, running noses, urinary urgency, diarrhea, twitching, rashes, and sores.[1]

Over the last several months, a number of disclosures have been made which sparked this preliminary investigation. On June 30, 1993, several veterans testified at a hearing of the Senate Committee on Armed Services. They related details of events which they believed to be chemical warfare agent attacks. After these events, many veterans exhibited symptoms consistent with exposure to a mixed agent attack. On July 29, 1993, the Czech Minister of Defense announced that a Czechoslovak chemical decontamination unit had detected traces of a chemical warfare agent, Sarin, in areas of northern Saudi Arabia during the early phases of the Gulf War. They attributed the traces to fallout from coalition bombing of Iraqi chemical warfare agent production facilities.

In subsequent statements regarding these disclosures, Department of Defense spokespersons have continued to maintain that it is the position of the Department that there is no evidence that U.S. forces were exposed to chemical warfare agents. After the June 30, 1993 hearing, a Department of Defense Inspector General investigation was requested by Senator Richard Shelby. As of September 2, 1993, the Office of Congressional Liaison for the Director of the Joint Chiefs advised that this inquiry had not yet been initiated.

This investigation was initiated in early August 1993, at the request of Senator Donald W. Riegle. The results of this investigation, while not conclusive, do indicate that there is a large body of evidence linking Gulf War Syndrome symptoms to the possible exposure of Gulf War participants to chemical warfare agents and biological toxins. The evidence supporting this conclusion will be presented in this report as follows:

This report will discuss the relationship between the high rate of Gulf War Illnesses among both Group I individuals, those possibly exposed to a direct mixed agent attack (as high as 77% affected in one unit), and the much lower rates among those in Group II, individuals exposed to the indirect fallout from coalition bombings of Iraqi chemical, biological, and nuclear targets (5.5% affected in the Czech chemical decontamination unit). Despite the varying rates of illness, however, the symptoms are similar. While other possible causes of the Gulf War Syndrome, such as petrochemical poisoning, depleted uranium exposure, and regionally prevalent diseases, have been discussed, no other explanation proves as compelling.

Again, this report is not conclusive. Additional investigative efforts are needed. The medical information which is provided in Part E is not intended to be diagnostic, but is included to demonstrate that this theory provides cause and effect linkages which could explain these illnesses, and to make the case for additional research. Demographic data on those suffering from Gulf War illnesses must be collected. Further advanced medical testing, currently not being performed on these individuals, is absolutely essential.

All of the information provided in this report is unclassified and open to public scrutiny. The discloser of the assembled information, however, was seriously considered. the prospect that the conclusions are accurate and therefore expose a vulnerability in U.S. defensive capabilities was weighed. After thorough consideration, however, since the Gulf War illnesses are part of the public debate, and since the Iraqi government certainly knows whether or not chemical weapon and biotoxins were used in these attacks and would certainly feel free to discuss them with our potential adversaries, there remain only the adverse effects of non-disclosure. Non-disclosure of these events provides the false illusion that we may be prepared to deal with chemical and biological warfare. More importantly, the result of non-disclosure is a continuing failure to provide adequate medical care to thousands of veterans of the Gulf War who may have been wounded in action on the chemical/biological battlefield.

Part A. Iraqi Chemical and Biological Warfare Program

1. Iraqi Chemical and Biological Warfare Capability[2]

Over the last ten years, Iraq, a signatory to the Geneva Protocols of 1925 prohibiting the use of poisoned gas and to the Biological Warfare Convention of 1972 banning biological weapons, has expanded an enormous amount of research and energy and in developing these and other prohibited weapons.

Iraq was believed to have been manufacturing mustard gas at a production facility in Samarra since the early 1980s. Iraq had also begun an extensive program to produce nerve agent precursor chemicals, taking advantage of its own natural resources. Iraq has phosphate mines located at Akashat and civilian-use phosphate industries located in Akashat, Al Qaim, and Rutbah.[3]

The Iraqi Al Falluja gas warfare complex was believed to produce up to 1,000 tons per month of Sarin, as well as the nerve agent VX.[4] In addition, with the assistance of foreign firms, Iraq developed the capability to experiment with hydrogen cyanide, cyanogen chloride, and lewisite.[5]

By the start of the Gulf War, it was suspected that Iraqi forces had developed chemical delivery capabilities for rifle grenades, 81mm mortars, 152mm, 130mm, and 122mm artillery rounds; bombs; 90mm air-to-ground rockets; 216 kilogram FROG and 555 kilograms SCUD warheads; and possible land mines and cruise missiles.[6]

On July 30, 1991, Rolf Ekeus, director of a post-Gulf War United Nations commission overseeing the elimination of Iraq's chemical and nuclear arsenals, told the Security Council that U.N. inspectors had found chemical warheads armed with nerve gas. Mr. Ekeus claimed that some of the warheads found were already fitted onto SCUD missiles.[7]

In April, 1993, weapons inspectors from the United Nations charged with locating all of Iraq's nuclear, chemical and biological weapons by U.N. Resolution 687, confirmed that in Muthanna, 65 miles northwest of Baghdad, Iraq manufactured a form of mustard gas as well as Sarin and Tabun, both nerve agents. This vast desert complex was the nucleus of Iraq's chemical weapons program. During the allied bombing in the early days of the Gulf War, Muthanna was a priority target. It was repeatedly attacked and production sites was destroyed. As United Nations inspectors have attempted to destroy Iraq's chemical weapons arsenal, they discovered bombs, missiles, and chemical weapons of mass destruction spread out across this vast complex. Of particular concern were the chemical warheads of Al-Hussein modified SCUD missiles, each filled with five gallons of Sarin. Twenty-eight of these warheads have been drained and destroyed by the U.N. inspectors. These weapons were not destroyed during the bombings at Muthanna because they had been removed to other locations before the Gulf War started. Their relocation

[1] Footnotes appear at end of article.

and transfer back to Muthanna was described by U.N. inspectors as a painstaking process.[8]

Chemical warfare agents which either survived the allied bombing or were inventoried and returned to the Muthanna facility for destruction include:[9]

13,000 155-mm artillery shells loaded with mustard gas; 6,200 rockets loaded with nerve agent; 800 nerve agent aerial bombs; 28 SCUD warheads loaded with Sarin; 75 tons of the nerve agent Sarin; 60–70 tons of the nerve agent Tabun; and 250 tons of mustard gas and stocks of thiodiglycol, a precursor chemical for mustard gas.[10]

U.N. inspectors have concluded that the Muthanna plant was capable of producing two tons of Sarin and five tons of mustard gas daily. The plant was also capable of manufacturing VX, a nerve gas and one of the most toxic chemicals ever produced.[11]

UNSCOM also discovered, at various locations, evidence of research into certain biological agents, including botulinus toxin, anthrax, and an organism responsible for gangrene. The evidence discovered by the group suggested that this was primarily an offensive program.[12]

2. Soviet Military Chemical Warfare Doctrine and the Use of Combined Agent Warfare.

There is substantial evidence to suggest that in the use of chemical weapons, as in other military areas, the Iraqi military adhered to Soviet military doctrine. Soviet military doctrine suggests that chemical warfare should be conducted with mixed agents.[13] Mixed agents, often referred to as "cocktails," are intended to enhance the capabilities of nerve agents and defeat the precautions taken by the enemy.[14] Use of mixed agents could account for the wide variety of symptoms displayed by the Gulf War veterans. Mixedagents can be made by combining a variety of biotoxins, nerve agents, vesicants, and blister agents, described in detail below.

According to some sources, Iraq used mixed agent weapons combining cyanogen, mustard gas, and tabun in Kurdistan. Saddam Hussein stated on April 2, 1990, that Iraq had "double combined chemical" weapons since the last year of the Iran-Iraq War.[15]

The following is a listing of a number of agents which the Iraqi government could have combined:

Biotoxins:

Biotoxins are natural poisons, chiefly of cellular structure. A distinction is made between exotoxins, given off by an organism while it is alive, and endotoxins, given off after a cells' death. The former cause the injurious effects of biological weapons, but the latter guarantee those of chemical weapons and do not cause the widespread disease outbreaks associated with biological warfare. Some examples of biotoxins include botulinus toxin and staphylococcic enterotoxin.[16] Iraq was also known to be experimenting with the use of anthrax and an organism responsible for gangrene.[17]

Chemical Nerve Agents:

Nerve agents kill by disrupting the metabolic processes, causing a buildup of a chemical messenger (acetylcholine) by inhibiting the production of acetylcholinesterase, a key regulator of neurotransmission. Lethal exposure to chemical nerve agents is generally characterized by drooling, sweating, cramping, vomiting, confusion, irregular heart beat, convulsions, loss of consciousness and coma.[18] Little is known, however, about the long term effects of non-lethal exposure.

Sarin—A colorless and practically odorless liquid, Sarin dissolves well in water and organic solvents. The basic military use of Sarin is that of a gas and a persistent aerosol. A highly toxic agent with a clearly defined myopic effect, symptoms of intoxication appear quickly without any period of latent effect. Sarin has a cumulative effect, independent of its method of entry into the body. The progressive signs of initial Sarin intoxication include myosis (contraction of the pupil), photophobia, difficulty breathing and chest pain.[19]

Soman—A neuro-paralytic toxic agent, it is a transparent, colorless, involitile liquid smelling of camphor. Soluble in water to a limited degree, Soman is absorbed into porous and painted surfaces. Soman is similar to Sarin in its injurious effects, but more toxic. When it acts on the skin in either droplet or vapor form, it causes a general poisoning of the organism.[20]

Tabun—A neuro-paralytic toxic agent, it is a transparent, colorless, liquid. The industrial product is a brown liquid with a weak sweetish smell; in small concentrations, it smells of fruit, but in large concentrations, it smells of fish. Tabun dissolves poorly in water but well in organic solvents; it is easily absorbed into rubber products and painted surfaces. Injury occurs upon skin contact with Tabun vapor and droplets. The symptoms of injury appear almost immediately. Marked myosis occurs.[21]

VX—This colorless, orderless, liquid has a low volatility, is poorly soluble in water, but dissolves well in organic solvents. The danger of pulmonary VX intoxication is determined by meteorological conditions and the delivery method used. VX is thought to be very effective against respiratory organs when in the form of a thinly dispersed aerosol. The symptoms of VX intoxication are analogous to those of other nerve agents, but their development is markedly slower. As with other nerve agents, VX has a cumulative effect.[22]

Vesicants and Blood Agents:

Lewisite—A vesicant toxic agent, industrial lewisite is a dark-brown liquid with a strong smell. Lewisite is a contact poison with practically no period of latent effect. Lewisite vapors cause irritation to the eyes and upper respiratory tract.[23]

According to the Center for Disease Control, lewisite would cause stinging and burning. Its smell, generally characterized as the strong smell of geraniums, could be confused with the smell of ammonia (the reaction to which is regulated by pain fibers rather than smell).[24]

Cyanogen Chloride—The French first suggested the use of cyanogen chloride as a toxic agent. U.S. analysts have reported that is a capable of penetrating gas mask filters. Partially soluble in water, it dissolves well in organic solvents. It is absorbed easily into porous materials; its military state is a gas. Cyanogen chloride is a quick acting toxic agent. Upon contact withthe eyes or respiratory organs, it injures immediately. Lethal exposures result in loss of consciousness, convulsions and paralysis.[25]

Hydrogen Cyanide—A colorless liquid smelling of bitter almonds, hydrogen cyanide is a very strong, quick acting poison. Hydrogen cyanide affects unprotected humans through the respiratory organs and during the ingestion of contaminated food and water. It inhibits the enzymes which regulate the intra-cell oxidant-restorative process. As a result, the cells of the nervous system, especially those affecting breathing, are injured, which in turn leads to quick death. An important feature of hydrogen cyanide is the absence of a period of latent effect. The military state of hydrogen cyanide is as a gas. The toxic and physiologic properties of hydrogen cyanide permit it to be used effectively in munitions—predominantly in rocket-launched artillery. Death occurs after intoxication due to paralysis of the heart. Non-lethal doses do not cause intoxication.[26]

Blister Agents:

Mustard Gas—A colorless, oily liquid which dissolves poorly in water, but relatively well in organic solvents, petroleum, lubricant products, and other toxic agents. The injurious effect of mustard gas is associated with its ability to inhibit many enzyme systems of the body. This, in turn, prevents the intra-cell exchange of chemicals and leads to necrosis of the tissue. Death is associated mainly with necrosis of the tissue of the central nervous system. Mustard gas has a period of latent effect (the first signs of injury appear after 2–12 hours), but does not act cumulatively. It does not have any known antidotes. In military use, it can come in gas, aerosol, and droplet form. it therefore acts through inhalation, cutaneously, perorally and directly through the blood stream. The toxic and physicochemical properties of mustard gas allow it to be used in all types of munitions.[27]

Part B. Gulf War Syndrome—Group I Disorders

Group I Disorders—believed to be the result of a direct enemy attack.

1. The Reported "Chemical Weapons Attacks" on the 644th Ordinance Company and the Naval Reserve Construction Battalion 24*

Attack 1: January 17, 1991, early morning hours:

Mr. Willie Hicks, then with the 644th Ordinance Company, was serving as the non-commissioned officer in charge of arms and ammunitions shipments. Staff Sergeant Hicks testified before the Senate Committee on Armed Services' Subcommittee for Force Structure and Personnel that, at about 2:30 am on January 17, 1991, he heard a loud explosion, which was followed by a sounding of alarms. As Hicks was running to the bunker, his face began to burn. One member of the unit "just dropped." About ten minutes later, according to Hicks, the unit's first sergeant came by and told members of the unit to go to the highest level of alert. The unit remained at that level for 24 hours.

Two or three days later, Hicks began feeling ill and noticed blood in his urine. Several other members of the unit began experiencing "problems" with their rectums. Hicks testified that when members of the unit began to question what had happened. He said they were ordered by their superiors not to discuss it. Of the unit's 110 soldiers, 85 now suffer from medical problems. Hicks identified and described one member of his unit who was in good physical shape and suddenly died. Hicks also identified another member of the unit, whom he described as being mentally and physically incapacitated.[28]

Hicks, a former teacher and Vietnam veteran, carries a notebook with him everywhere. He claims to have a severe problem with memory loss. He quit his job because he kept passing out and getting lost on the way to work. His illness has been classified by the Veterans Administration as post traumatic stress disorder.[29]

FROG Missile Attack—January 17, 1992:

Iraqi ground forces in southeastern Kuwait fired FROG (free rocket over ground) missiles across the border into Saudi Arabia

into the general area where the 644th Ordinance Company was assigned. Some of these missile batteries were destroyed shortly afterward by U.S. helicopter gunships.[30]

While the Army was able to provide details about SCUD launchings on January 20, 1992 to the hundredth of a second, they were not able to provide any details about the location of the 644th Ordinance Company or the time and location of the FROG attacks.

Iraqui Official Announcement—January 17, 1991:

On the same day, the official government newspaper in Baghdad announced that Iraq would unleash a secret weapon, "which will astonish our enemies and fascinate our friends," and release "an unusual force." U.S. experts speculated the reference was to some sort of radiation device.[31]

Attack 2: January 20, 1991, early morning hours:

Petty Officer Sterling Symms, then assigned to the Naval Reserve Construction Battalion 24, in an area south of the Kuwaiti border, testified that between 2:00 am and 3:00 am on January 20, 1991, there was a "real bad explosion" overhead. The alarms went off and everybody started running towards their bunkers. Petty Officer Symms said there was a sharp odor of ammonia in the air. His eyes burned and his skin stung. His unit donned full chemical gear for nearly two hours until the "all clear" was given.[32]

Later, according to Symms, members of the unit were advised that what they heard was a sonic boom. Petty Officer Symms said that he did not believe that it was a sonic boom because there was also a "fireball" associated with the explosion. Symms testified that they were ordered not to discuss the incident. Petty Officer Symms said he has since experienced fatigue, sore joints, running nose, a chronic severe rash, and open sores which have been diagnosed as an "itching problem." He has also been treated for streptococcus infections. In his testimony, Symms stated that 4 or 5 other members of his unit and two of their wives have been treated for similar infections.[33]

Larry Perry of North Carolina, a naval construction worker stationed near the port city of al-Jubayl in Saudi Arabia, says the explosion on January 20, 1991 sent his unit running for the bomb shelter. When they emerged in their gas masks, they were enveloped by a mist.[34]

Roy Butler, another member of the unit, said: "All of my exposed skin was like it was on fire. It was burning like crazy. I couldn't breathe. I had to take my mask off and clear my nose. I immediately thought we got gassed."[35]

FROG Missile Attack—January 20, 1991:

On January 20, 1991, the media reported extensively on the Iraqi Scud missiles streaking towards key allied military sites. The Iraqi missiles were reportedly destroyed in flight by Patriot rockets as they approached Dhahran, Saudi Arabia, from the north.[36]

In addition, however, up to five FROG missiles were launched into the area south of the Kuwaiti border in Saudi Arabia. These missiles fell into the desert near U.S. Marine positions, and, according to initial reports, "did no damage." Later reports confirmed that at least one Marine was wounded during the attack.[37]

One FROG missile landed across the street from a Saudi naval base. A U.S. newspaper journalist subsequently interviewed a Marine holding a silver-colored piece of shrapnel near the facility. The marine claimed that there had been as many as five "gas attack" alerts in a single day.[38]

Iraqi Official Announcement—January 20, 1991:

In a radio address to the Iraqi people, Saddam Hussein declared that his nation would be fighting back with "all the means and potential God has given us." There was no confirmation that the volley of SCUDS carried chemical weapons, but Saddam had reportedly vowed to use them against his enemies.[39]

The map on the following page indicates the areas in northeastern Saudi Arabia which would have been vulnerable to attacks by FROG-7 rockets.

[Map not reproducible in RECORD.]

2. The Relationship Between These Attacks and Gulf War Syndrome (Group I Disorders)

As mentioned above, the Center for Disease Control (CDC), Nerve Gas Division, has advised that Soviet Chemical Warfare Doctrine recommends the use of mixed agents in chemical warfare attacks (using several canisters of agents). Iraq, in this and other areas, followed Soviet doctrine. Based on this doctrine, a chemical warfare agent attack might carry a variety of nerve agents, vesicant and blood agents, blister agents, and biotoxins.

The stinging, burning and smell of ammonia (which is regulated by pain fibers rather than smell) could be explained by a chemical agent such as lewisite. Other symptoms, such as blood in the urine and bleeding from the rectum, could be explained by exposure to a biotoxin.[40] The failure of a gas mask to protect a soldier could be explained by the use of cyanogen.

Ammonia was also recommended in the former Soviet Union as a civil defense measure to neutralize mustard gas and nerve gas.[41] The CDC agreed that ammonia would be a readily available non-toxic alkali which could be used to neutralize exposure to nerve gas.[42]

According to the CDC, if these U.S. servicemen and women were exposed to these types of substances, advanced neurological studies using computer-enhanced EEG analysis and biological agent searches would be required in order to perform a proper diagnosis. A physician probably would not detect the disorders visually, and even a biological agent search would require a suspicion of what to test for.[43] Many of these biological agent searches could only be performed using electron microscopy.[44]

Incidence of Gulf War Illnesses in 644th Ordinance Company: Approximately 85 of 110=77.3% affected.

Incidence of Gulf War Illnesses—Naval Reserve Construction Bn. 24: Approximately 100 of 725=13.8% affected.

The following points illustrate why the chemical attack explanation of the events of January 17, 1991 and January 20, 1991 is consistent with the evidence for exposure in Group I:

These units are believed to have been in areas which suffered FROG rocket or other missile or artillery attack.

Sonic booms are not explosions associated with fireballs and it is unlikely that a commander would order troops not to discuss sonic booms.

Chemical alarms sounded and the servicemen were put on chemical alert.

The smell of ammonia, mist, and stinging of the eyes and skin are all consistent with the use of chemical weapons.

The servicemen who testified before the Armed Services Committee related events and subsequent symptoms consistent with what might be expected from a non-lethal mixed agent attack.

The rate of unexplained illness in both of these units is much too high to be the result of random events.

The CIA estimated one month prior to the war that Iraq had chemical munitions for both the SCUD and FROG missiles; Air Force commanders confirmed the deployment of FROG missiles with chemical munitions near the Saudi border.

As recently as September 2, 1993, it was the official position of the Department of Defense that there was no evidence that chemical weapons were used during the war.

3. Iraq's History in the Use of Chemical Warfare Agents

The fears and the precautions taken prior to the Gulf War were not the product of excessive hysteria. Five United Nations reports have confirmed the use of chemical warfare agents in the Iran-Iraq War.[45] In April 1993, two U.S.-based human rights organizations confirmed that they had found residues of chemical weapons used by the Iraqi government of Saddam Hussein against a Kurdish village in northern Iraq in 1988. These groups, Physicians for Human Rights and Human Rights Watch, said they had used advanced analytical techniques to discover the presence of mustard gas andthe nerve gas Sarin. Those chemical weapons reportedly were dropped by aircraft on August 25, 1988 and killed four people in the Kurdish village of Birjinni.[46]

This was the first time that scientists had been able to prove the use of chemical weapons, and especially a nerve gas, through the analysis of environmental residue acquired years after such an attack occurred.[47]

Soil samples were gathered from the 1988 bombing sites and then delivered to a British laboratory. Chemists at Porton Down found traces of mustard gas and Sarin. Testimony from survivors of the Birjinni bombing, who said many victims of the raids died writhing and coughing blood, led to accusations that Iraq had gassed its own citizens as part of a campaign against rebellious Kurds that killed tens of thousands.[48]

Dr. Graham Pearson, director of the British Chemical and Biological Defence Establishment, verified these results and confirmed the samples were taken from bomb craters near the northern Iraqi village of Birjinni in June 1992. The byproducts of the breakdown of these poisons are so specific that they provide a "unique fingerprint" in chemical analysis that points directly to a poison gas attack.[49]

4. Department of Defense Inconsistent Statements About the Chemical Warfare Capabilities of the FROG-7 Rocket

While some analysts had speculated prior to the Gulf War that Iraq did not have a chemical warhead capability, other events and statements which preceded and followed the attacks of January 17 and January 20, 1991 seem to indicate otherwise.

A month before the war began, then CIA Director William Webster estimated that Iraq possessed 1,000 tons of poisonous chemical agents, much of them loaded in shells, rockets and two types of missiles, the FROG and the SCUD B.[50]

On January 20, 1991, a spokesman for the joint allied forces reported that the Iraqi FROG missiles carried only conventional explosives.[51]

Jane's Strategic Weapons Systems lists warhead types for the FROG-7 missiles as high explosive, chemical, and nuclear.[52]

On January 31, 1991, according to Col. George A. Gray III, a U.S. Air Force Special Operations AC-130 was shot down while supporting Marine units engaged in nighttime operations near Khafji, Saudi Arabia. The Marines had located a FROG missile battery

capable, according to Col. Gray, of launching an explosive or chemical attack. The AC-130 was shot down and its 14 crewmembers killed in the attempt to destroy the FROG battery.[53]

In March, 1991, Molly Moore reported from Jubayl, Saudi Arabia, that Marine commanders said that they found no indications of chemical weapons stockpiles on the battlefields of Kuwait. According to a Washington Post report that day, U.S. intelligence analysts claimed, as one senior officer put it, that these weapons "never got distributed down to the battlefield" from storage sites north of the Euphrates River.[54]

In June, 1991, in an article which appeared in *Air Force Magazine*, Lt. General Gordon Fornell, of Air Force Systems Command, Electronic Systems Division, noted that during the Gulf War, a Joint Surveillance and Target Attack Radar System (JSTARS) aircraft detected an Iraqi convoy carrying FROG missiles fitted with chemical munitions. The convoy was subsequently targeted and destroyed by F-16s.[55]

Part C. Gulf War Syndrome—Group II Disorders

Group II Disorders—resulting from downwind exposure to coalition bombings.

1. The Coalition Bombing of Iraqi Chemical, Biological, and Nuclear Facilities and the Detection of Chemical Agents by Both Czech and American Forces

U.S. Unofficial Reports

During the early phases of the "air war" there was extensive media reporting of the coalition bombing of Iraqi chemical, biological, and nuclear facilities.

Brian Martin of Niles, Michigan, a Gulf War veteran of the 37th Combat Airborne Engineer Battalion, 20th Airborne Brigade, 18th Airborne Corps, arrived in Saudi Arabia on October 8, 1990. According to Martin, in late January 1991, while assigned to an area between Raffa and Naryian,about six miles south of the Iraqi border, he recorded in his journal and on videotape that chemical "false alarms" were going off almost every day. At first, the alarms were explained as being caused by vapors coming off the sand. Later, since the alarms kept going off, the troops no longer believed that they were being caused by the vapors. Martin said they were then advised that the alarms were sounding because of minute quantities of nerve agent in the air, released by the coalition bombing of Iraqi chemical weapons facilities. The troops were assured that there was no danger.

Martin also claims to have witnessed a Patriot intercept of an incoming SCUD missile between Kafji and Wahdi Albatin during the air war period. Martin was also given the anti-chemical warfare medication pyridostigmine, and suffered some adverse side effects. According to Martin, the drug made him jittery and made his vision "jiggle." Since returning from the Saudi Arabia, Martin has experienced memory loss, swollen and burning feet, joint disorders, muscle weakness, heart palpitations, shortness of breath, rashes, fatigue, headaches, insomnia, bleeding from the rectum, chronic coughing, running nose, burning eyes, and uncontrollable shaking on his right-side extremities.[56]

According to another report, on January 27, 1991, near the Saudi-Kuwaiti border, elements of the 82nd Airborne Division went through a chemical alert drill that was more than an exercise. According to ABC News coverage, their sensors actually registered traces of chemicals in the air, the result, it appeared, of allied bombing of chemical plants in Iraq. A U.S. medical corpsman told reporters, "When the Air Force bombers hit all the gas places there in Iraq, there's a lot of contamination in the air. Some may have filtered down and set these things off. They're very, very sensitive.[57]

Czech Government Reports

In late July, 1993, the Czech Minister of Defense confirmed that a Czechoslovak Federative Republic military chemical decontamination unit assigned to an area near the Saudi-Iraqi border had detected the chemical nerve agent Sarin in the air during the early stages of the Gulf War. In this unit, 10 of 185 individuals are believed to be suffering from Gulf War illnesses.[58]

Weather Reports

Weather reports during this period were censored by the U.S. and Saudi governments. But environmental groups monitoring an oil spill in the Persian Gulf indicate that the winds were blowing from northwest to southeast. The chemical and biological warfare agent production plants bombed by the coalition forces during this period are located in Iraq to the northwest of coalition troop deployments along the Saudi-Iraqi and Saudi-Kuwaiti border.[59]

Known Allied Chemical/Nuclear Targets in Iraq: Ar Rutbah, Al Qaim, Al Falluja, Samarra, Salman Pak, Muthanna, Iraqi deployed chemical munitions along the Kuwaiti-Saudi border.

The yellow "downwind zone" on the map only includes the area between the targeted areas and those areas in which chemical agent alarms were sounding. The exposure area may have been much larger depending on a number of conditions reported below.

[Map not reproducible in RECORD.]

2. U.S. and Soviet Doctrinal Estimates on the Use of Chemical Weapons and the Dispersion of Chemical Agents

The utility of chemical weapons and the possibility of exposing one's own troops to indirect chemical weapons effects is an issue which has been seriously debated by both U.S. and Soviet military planners. Soviet doctrine questions the utility of initiating chemical warfare, since chemical weapons produce secondary effects that could obstruct troop advances. U.S. military doctrine warns that, according to its calculations, the use of a nerve agent against a target area of no more than a dozen hectares (a hectare is about 2.47 acres) can, under certain weather conditions, create a hazard zone downwind of up to 100 kilometers in length. Within this downwind area, friendly military units would have to take protective measures.[60]

According to the official military announcements made in the last half of January 1991, and based on the quantity of chemical agents observed by UN inspectors after the war, the scope of coalition bombing against these facilities involved hundreds, if not thousands, of tons of bulk chemical nerve agents, mustard gas, and tens of thousands of pieces of chemical munitions. This quantity of chemical warfare agent vastly exceeds the amounts than might be expected to be deployed by a military force in a single chemical attack. Additionally, the bombing of the Iraqi nuclear facilities during this period also likely resulted in the dispersion of radioactive substances, though that possibility is not addressed in this report.

The dispersal of the chemical agents and other hazardous substances is controlled by factors such as topography, wind velocity, direction, temperature, precipitation, vertical temperature gradient, and atmospheric humidity. These factors all contribute to the size and type of dispersal pattern which will be observed.[61]

Further, in considering the placement of troops in areas downwind, where non-lethal exposure to chemical warfare agents might be expected, it must be remembered that many chemical nerve agents and other agents have cumulative effects.[62]

3. The Relationship Between The Coalition Bombing and Gulf War Syndrome (Group II Disorders)

The following facts provide significant evidence that coalition forces were exposed to mixed chemical agents as a result of coalition bombings of Iraqi nuclear, chemical, and biological facilities.

Chemical alarms sounded and the servicemen were put on chemical alert.

U.S. military personnel and the Czech government confirmed that the chemical alarms were sounding as the result of nerve agent detection.

The combination of prevailing wind directions, the open terrain, the lack of structural impediments, and other factors listed above, indicate that chemical and possibly nuclear and biological agents from allied bombings became airborne and were blown across coalition forces emplacements along the Saudi-Iraqi and Saudi-Kuwaiti border.

Chemical nerve agents, such as Sarin and others, are known to have a cumulative effect.

Incidence of Gulf War Illnesses in Czechoslovak Chemical Decontamination Unit—Approximately 10 of 185=5.5%.

Part D. Gulf War Syndrome—Group III Disorders

Group III Disorders—resulting from the administration of nerve agent pre-treatment drugs and biological warfare inoculations.

1. Administration of Chemical and Biological Warfare Agent Pre-treatment Drugs and Gulf War Syndrome (Group III Disorders)

Another group of individuals is reporting that the antidotes given to US troops to protect them against Iraqi gas attacks may have permanently damaged some veterans' health.

Maj. Gen. Ronald Blanck, commander of the Walter Reed Army Medical Center, has said that, "Military intelligence reports indicated there was a real possibility that Iraqi forces would employ biological and chemical weapons; in response to that threat, anthrax vaccine and botulinum vaccine were administered." The Army also gave soldiers a course of pyridostigmine bromide pills, normally used for neuro-muscular disorders. A public interest group, that Public Citizen, had filed a suit to stop experimental drugs being used on soldiers without their consent, but immediately before the war the suit was dismissed.[63]

Carol Picou, assigned to a combat support hospital during the Gulf War, recalls that when the ground war began, "we were ordered to take the drug pyridostigmine to protect us against chemical attack. Within one hour of taking the drug, I began to experience serious side-effects such as uncontrollable twitching eyes, runny nose, excessive frothing from the mouth, neck and shoulder pain."[64]

Patricia Axelrod, a research specialist whose study of the drug was cited by the House Veteran Affairs subcommittee, said: "This drug is unproven [referring to pyridostigmine bromide]. The use of this drug in a healthy person can lead to a mixed variety of inhibitory and stimulatory responses in the central nervous system"—similar to the symptoms of some veterans.[65]

Dr. Sidney Wolfe, director of the Public Citizen's health research group, who filed a

suit against use of the drug, said it was administered so sloppily that nobody knew who took it. No one in the Food and Drug Administration thought it was a good idea, but they were forced to do it by the Defense Department. Maj. Gen. Blanck said that there was a risk of minor side effects, but that these were worthwhile to be "prepared for exposure to deadly biological and chemical warfare agents."[66]

According to news reports, Ms. Axelrod claims these drugs were given without any real concern for the long-term effect on the soldiers.[67]

As reported above under Group II disorders, Brian Martin also claimed to have had side effects from the drug pyridostigmine. According to Martin, the drug made him jittery and made his vision "jiggle."

Chemically related to pesticides, nerve agents such as Sarin and Tabun kill by interfering with the metabolic processes, and cause a buildup of a chemical messenger in the human metabolic process called acetylcholine, which operates in the gap between the nerve and the muscle cells. A buildup of acetylcholine may cause drooling, excessive sweating, cramping, vomiting, confusion, irregular heart beat, convulsions, loss of consciousness and coma.[68] Little, however, is known about the consequences of non-lethal exposure to these toxins.

Nerve gas pre-treatment drugs such as pyridostigmine bromide, paradoxically, also meddle with these metabolic processes by creating carbamate-inhibited acetylcholinesterase, which interferes with the actions of nerve gas.[69]

Part E. Conclusions

1. Why Wasn't Everyone Affected—The Need for Immediate Advanced Medical Research

The ability of someone to resist an illness, disease, or the adverse effects of a medication varies with each individual. Not everyone who received nerve agent pre-treatment drugs exhibited adverse effects. According to the Center for Disease Control, Nerve Gas Division, not everyone who is exposed to nerve gas will cross a toxic threshold at the same time. Certainly, there is a threshold beyond which such exposure will surely be lethal. This is what has come to be accepted as the effect of nerve gas exposure.

The results of this investigation suggest that there is, in fact, a relationship between dosage and harmful effects. Units who believe they suffered a direct chemical weapons attack report illness rates as high as 77%. The Czech chemical decontamination unit, which suffered only indirect exposure, reports an illness rate of 5.5%. The extent of exposure in the larger population in the Gulf at the time, and the rate of illnesses, is unknown.

Nerve agents like Sarin kill by disrupting the metabolic processes, causing a buildup of a chemical messenger (acetylcholine) by inhibiting the production of acetylcholinesterase, a key regulator of neurotransmission. Nerve agent pre-treatment drugs (NAPP) administered to U.S. service men and women, such as pyridostigmine bromide, also disrupt these metabolic processes by creating a carbamite-inhibited acetylcholinesterase, which preempts the action of the nerve agent. Several veterans suffering from Gulf War illnesses, including some who are medical professionals, testified beforeHouse Veterans Affairs Committee earlier this year that they believe that these illness are related to the permanent adverse side effects from this drug.

Thousands of veterans of the Gulf War are reporting symptoms of memory loss, muscle and joint pain, intestinal and heart problems, fatigue, rashes, sores, and running noses. A number of veterans who have exhibited these symptoms since returning from the Gulf War have subsequently died. Physicians have been unable to diagnose the cause of the disorders.

Little is known about the long-term consequences of exposure to low levels of nerve gas, and even less about complications which might arise from using combined agent weapons. Further, little is known about other difficulties associated with interfering with the neurotransmission process. Non-lethal exposure to pesticides, however, has manifested itself in memory loss. Nearly every bodily process requires a properly functioning nervous system to operate.

Based on the research done on the drug pyridostigmine bromide, one would expect to see differences in the extent of the disorders an individual might suffer from, since pyridostigmine bromide is thought to be a poor penetrator of the central nervous system.[70]

The following is a summary, not offered as diagnostic evidence, suggesting how some of the symptoms noted could be rooted in neurotransmission-related disorders:

Memory-loss: Although neuroscience is a long way from explaining the memory functions of the human brain, considerable strides have been made toward understanding how neurons are modified by experience and how those modifications are maintained for extended periods of time. The ability to remember is regulated, however, by neural processing.[71] On August 25, 1993 a researcher who participated in the investigation of the use of nerve gas by the Iraqi government against the Kurds, suggested that the effects of non-lethal exposures to nerve agents could be similar to those involving non-lethal exposures to pesticides. He said these disorders are generally neuropsychological and include memory loss.[72] This assessment was not however intended as a diagnostic conclusion.

Muscle Pains: Myasthenia Gravis is a disease causing progressive muscle weakness. It has been shown that the disease is an autoimmune reaction to the acetylcholine-gated channels in the neuromuscular junction. Many drugs and toxins, including pesticides and nerve gas, are known to exhibit their effects through specific actions at the neuromuscular junctions, blocking the action of acetylcholinesterase.[73]

Joint Pains: When the force generated by a muscle acts on a load, there is a requisite exchange of energy between the muscle and the load. A failure of the nervous system to send impulses to effector muscles can result in the failure of effector muscles to provide the resistance necessary to protect joints from excessive torque. This failure, and the resultant joint pain, is consistent with the action of any agent or medication which functions by disrupting the communication process operating in the gap between the nerve and the muscle cells.[74]

Gastrointestinal Disorders: As a combined neural operation, the neural signals that control digestive functions, such as in the complex nervous system of the gut, are largely, but not entirely, independent of the central nervous system (CNS). Many of the control functions are conducted by local nerve networks and the endocrine systems. These digestive functions, however, depend on the ability of the CNS and local nerve networks to function properly.[75]

Heart problems, running noses and virtually every other problem lumped under the heading of Gulf War Illnesses can be explained by neuromuscular disorders or exposure to biotoxins. Some of the non-chemical warfare related diseases involving a disruption in the acetylcholine-gated channels in the neuromuscular messenger junctions, such as myasthenia gravis, while treatable, are irreversible. Neurotransmission disorders resulting from disrupted physiological processes, such as those regulating acetylcholines (including toxin acetylcholine and acetylcholinesterase) may be contributing to these disorders. Detection of these types of disorders may only be possible using highly sophisticated, computer-enhanced electroencephalograms (EEG). Further, given the possibility that some of these individuals were exposed to biotoxins and other biological agents, physicians using sophisticated procedures requiring electron microscopy must have some idea of what they are looking for.

12. Conclusions and Recommendations

Thousands of American servicemen and women are reportedly suffering from memory loss, muscle and joint pain, intestinal and heart problems, fatigue, rashes, sores, and running noses as a result of their service in the Gulf War. A number of veterans who have exhibited these symptoms since returning from the Gulf War reportedly have died. Physicians have been unable to diagnose or treat the cause of the disorders.

Despite the Department of Defense's position that no evidence exists for exposure to chemical warfare agents during the Gulf War, this investigation indicates that there is substantial evidence supporting claims that U.S. servicemen and women were exposed to low level chemical warfare agents and possibly biological toxins from a variety of possible sources. This exposure may account for many of the Gulf War Illness symptoms. Little is known about the long-term consequences of exposure to low levels of nerve gas, although most are known to have cumulative toxic effects. Even less is known about complications which might arise from exposure to combined agents and combined agent weapons. Non-lethal exposure to pesticides can result in memory loss, and nerve agents are chemically related to pesticides. Many of the veterans complaining of Gulf War Syndrome illnesses suffer from, among other disorders, memory loss. Many of the identified chemical and biological agents interfere with the body's neurotransmission processes, affecting the regulation of acetylcholine, toxin acetylcholine, and other necessary enzymes required by nearly every bodily process. In order to detect irregularities such as those which might be caused by exposure to nerve gas, computer-enhanced electroencoephalograms are needed; a physician probably would not be able to recognize the abnormalities in during a visual EEG interpretation.

If biotoxins or biological agents were used or released in the Gulf War, detection requires that physicians have some idea of what they are looking for. Further, if mycotoxins or viruses were used or released, they would be difficult to detect without the aid of an electron microscope.

Non-lethal exposure to chemical warfare agents, mixed chemical/biotoxin agents and the administration of nerve agent pre-treatment drugs could explain many of the symptoms of the Gulf War illness, as well as the inability to diagnose the disorders. Other possible causes for Gulf War syndrome have been suggested, such as exposure to pesticides, petrochemicals, burning landfills and oil wells, depleted uranium from anti-tank

munitions, or exposure to other environmental hazards. Many of these possibilities already have been investigated and discounted. Additionally, these types of exposures are not specific to the Middle East or to the Gulf War and the evidence for these hazards causing the large number of unexplained illnesses is less than compelling. Each of these possible cause of unexplained illnesses, however, should be systematically researched.

Recommendations

Recommendation 1: Based on the description of the events, which indicate that Iraq may have deliberately employed chemical and toxin agents against U.S. forces, the inconsistencies in the statements by the Department of Defense as to whether chemical weapons were forward-deployed and about the capabilities of Iraqi FROG missiles and other Iraqi forward-deployed chemical weapons, an immediate investigation into the events of January 17, 1991 and January 20, 1991 is warranted.

Recommendation 2: Based on the inconsistencies between the unofficial reports of U.S. military personnel, the reports of the Czech government, and the Department of Defense official position that U.S. servicemen and women were not exposed to chemical and biological agents as a result of the "air war" bombings of Iraqi chemical, biological, and nuclear facilities, and a determination of the extent of the corresponding "downwind zone" of mixed chemical, biological, and radiological contamination, is warranted.

Recommendation 3: Research to determine if the symptoms exhibited by veterans of the Gulf War result from exposure to a combination of chemical and biotoxin warfare agents is warranted. Without this research, appropriate courses of treatment cannot be determined.

Recommendation 4: Research to determine what, if any, adverse side effects may be linked to the administration of nerve agent pre-treatment drugs and biological warfare agent inoculations is also warranted. Without this research, future policy on their use and appropriate courses of treatment cannot be determined.

FOOTNOTES

*The reporting in this section focuses on the coincidence on both January 17, 1991 and January 20, 1991, between the reported chemical attacks and reports of FROG missiles falling in the areas where these units were assigned. It should be noted, however, that even if the reported attacks do not coincide with the FROG launches, the evidence is clear that these individuals are reporting occurrences consistent with two separate chemical weapons attacks. Iraq had other chemical capable munitions which also could have been employed against these units.

[1] This estimate is based on media and veterans group sources. Other estimates by these groups range from 4,000–11,000 individuals

[2] For a more detailed discussion of Iraqi chemical and biological weapons capabilities see: Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Bounder and San Francisco: Westview Press, 1993), 494–507.

[3] Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 9–10; Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Bounder and San Francisco: Westview Press, 1993), 498.

[4] Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 498, 546. According to Cordesman, some of these reports may be exaggerated. "There is no question that Falluja had large scale facilities, but some of these facilities seem to produce nothing but the precursor chemicals for sarin, like phosphorous oxychloride and phosphorous trichloride. Falluja have been concentrating on the production of precursors." For additional views, see Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 8.

[5] Peter Dunn, "The Chemical War: Journey to Iran," *NBC Defense and Technology International*, pp. 28–37; W. Seth Carus, *The Genie Unleashed: Iraq's Chemical and Biological Weapon Production*, (Washington: Washington Institute Policy Papers, No. 14) 22–23; Foreign Report (March 31, 1988), 12; *Jane's Defence Weekly* (January 9, 1998), 3; *Jane's Defence Weekly* (February 27, 1988), 336; Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993) 498, 546.

[6] Michael Eisenstadt, *The Sword of the Arabs: Iraq's Strategic Weapons* (Washington: Washington Institute Policy Papers, No. 21, September 1990), 7; Seth Carus, "Chemical Weapons in the Middle East," *Policy Focus, No. 9*, Washington Institute for Near East Policy (December 1988), 4; "Iraq's Scare Tactic," *Newsweek* (August 2, 1982); *Washington Post* (April 5, 1988), A1; Dick Palowski, *Changes in Threat Air Combat Doctrine and Force Structure, 24th Edition* (Fort Worth: General Dynamics DWIC-91, February 1992), II-325, II-334; *Jane's Soviet Intelligence Review* (June 1989), 256; *Foreign Report* (March 31, 1988), 1; *New York Times* (November 12, 1991; as cited in Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 499, 547;

[7] Frank J. Piral, "U.N. Team Finds Chemical Arms Four Times Greater Than Iraq Claims," *New York Times* (July 31, 1991), A1.

[8] "New Method Found to Destroy Iraqi Poison Gas Shells," *Xinhua News Service*, Item No. 0320210, Cairo, Egypt (March 20, 1993); Brent Sadler, "U.N. and Iraqi Teams Work to Destroy Chemical Weapons," *Cable News Network* Transcript #133-5 (October 8, 1992).

[9] "New Method Found to Destroy Iraqi Poison Gas Shells," *Xinhua News Agency* (March 10, 1993); "United Nations Destroying Iraqi Nerve Gas Stockpiles," *Associated Press* (September 24, 1992).

[10] Judith Perrera, "Iraq: Chemical Weapons Program Disabled, Say U.N. Inspectors," *Inter Press Service* (September 29, 1992).

[11] "U.N. Winds Up Survey of Biological Sites in Iraq," *Associated Press* (March 18, 1993), PM Cycle.

[12] Ibid.

[13] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993. Dr. Leffingwell advised that Soviet Chemical Warfare Doctrine recommends the use of mixed agents in chemical warfare attacks (using several canisters of agents); Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 499, 547; Jane's Defense Weekly (January 9, 1988); Jane's Defense Weekly (January 28, 1989); Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 10.

[14] Ibid.

[15] Ibid.

[16] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soivet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 162, 209.

[17] "United Nations Destroying Iraqi Nerve Gas Stockpiles," *Associated Press* (September 24, 1992).

[18] William Booth, "Gas Masks, Antidote Cause Three Deaths and Illness in Israel," *Washington Post* (January 19, 1991) A20.

[19] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 208.

[20] Ibid, 209.

[21] Ibid.

[22] Ibid, 210.

[23] Ibid, 205.

[24] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993.

[25] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 208; V.V. Miasnikov, *Defense Against Weapons of Mass-Destruction: A Guide* (Moscow: Voyenizdat, 1984, 82–83.

[26] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 205; V.V. Miasnikov, *Defense Against Weapons of Mass-Destruction: A Guide* (Moscow: Voyenizdat, 1984, 82; Vladimir K. Pikalov, "Toxic Agents," *The Soviet Military Encyclopedia, Volume 6* (Moscow: Voyenizdat, 1978).

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[28] Testimony before the Senate Committee on Armed Services, Subcommittee on Force Structure and Personnel (June 30, 1993).

[29] Ibid.

[30] Ruth Sinai, "Pre-Attack Predictions Were Right and Wrong," *Associated Press* (January 17, 1991).

[31] Ibid.

[32] Testimony before the Senate Committee on Armed Services, Subcommittee on Force Structure and Personnel (June 30, 1993).

[33] Ibid.

[34] Patrick Cockburn, "Gulf War Guinea Pigs Tell Senate of Mystery Illness; Experts Point to Experimental Drugs Given to Troops in Case of Gas Attack," *The Independent* (July 2, 1993), 13.

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[43] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993.

[44] P.T. Yergorov, I.A. Shlyakhov, and N.I. Alabin, *Civil Defense: A Soviet View*, translated by the Oak Ridge National Laboratory, revised by the U.S. Air Force (Moscow: Vysshaya Shkola, 1970), 65.

[45] Steven R. Bowman, *Congressional Research Service Issue Brief: Chemical Weapons Proliferation: Issues for Congress, IB90084* (Washington, D.C.: Congressional Research Service, Foreign Affairs and Defense Division, Updated August 17, 1993) 2.

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[69] Col. Michael A. Dunn, MC, USA, and Frederick R. Sidell, "Progress in Medical Defense Against Nerve Agents," *Journal of the American Medical Association* (August 4, 1989), 649-652.

[70] Ibid.

[71] Lloyd D. Partridge and L. Donald Partridge, *The Nervous System: Its Function and Interaction with the World* (Cambridge, Massachusetts: MIT Press, 1993).

[72] Interview with a researcher from Physicians for Human Rights on August 25, 1993.

[73] Lloyd D. Partridge and L. Donald Partridge, *The Nervous System: Its Function and Interaction with the World* (Cambridge, Massachusetts: MIT Press, 1993).

[74] Ibid.

[75] Ibid.

Mr. NUNN. Mr. President, I thank the Senator from Michigan and I commend him for his interest in this very important problem.

We have been studying this for about 2 years. The Army has looked at it at the urging of our committee. The other military departments are also taking a close look. The Veterans' Administration is. But we do need a coordinated effort.

In our bill that is before us now, we direct the Department of Defense and the Veterans' Affairs Committee to work together on this research.

I think the Senator's amendment, after a hasty reading, would further strengthen and would move us very vigorously in that direction. I would hope we could support the amendment.

There are a couple of things we need to iron out in the wording. We need to make sure we understand exactly the funding sequence and how that would be handled. And there is some language that I know was not the intent of the Senator from Michigan. But we want to make sure it is clarified so that there will be no ambiguity about using any kind of human beings to experiment in this respect. We want to make sure we do not give any kind of indication in regard to that.

So those clarifications can be worked on by our staff, with the staff of the Senator from Michigan during the day. It would be my hope that we could, on both sides of the aisle, work this out. I know Senator COATS indicated to me, the Senator from Indiana, that he would hope also we could work this out.

So we appreciate the Senator's interest. It is a very important problem for a number of people, and has been a matter of a considerable amount of concern. And frankly, there are no easy, quick answers to it. But it ought to be diligently pursued. We owe the men and women who served there our every effort to make sure that we protect any health problems that come out of this conflict.

So I thank the Senator from Michigan.

Mr. RIEGLE. Mr. President, let me thank the Senator from Georgia, the chairman, for his courtesy and his response. My staff and I will be working with him in the course of the day to iron out these questions. It would be very helpful if the committee would support this amendment. I think it is essential that this work start.

I must say, too, that a number of veterans in Michigan contacted me directly on this issue. I think it is important that other veterans around the country that may be experiencing these symptoms also report in to the committee or to me or to their home State Senators so that we can assemble an even more complete body of information. But I have a number of case histories now that fit this pattern that make it clear to me that the logic here works.

So now I think we have to test it with the medical research. We know how to do it. But if there is no serious effort to examine that possibility of cause and effect, if that is a problem, then we are not going to get the answer. I do not think we can afford to wait any longer.

Mr. NUNN. I agree with the Senator.

Mr. President, I believe the regular order would be that the Senator from California be recognized at this point in time. I appreciate the courtesy of the Senator from California in permitting this amendment to be explained. It will help facilitate us later in the day, I hope.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from California is recognized.

AMENDMENT NO. 783.

Mrs. BOXER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 783.

Strike out section 546 (page 139, line 20, through page 148, line 8) and insert in lieu thereof the following:

SEC. 546. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisors to the President and Secretary.

Mrs. BOXER. Mr. President, as you listened to my amendment, you can see that it is very brief and to the point. That is why I allowed it to be read in its entirety.

It strikes out the language in the bill that deals with gays and lesbians serving in the military, and it replaces that language found in section 546 with a simple resolution allowing the President to resolve this matter with the advice of the Secretary of Defense and other military advisers.

Mr. President, I object to the policy contained in the bill for a number of reasons. I am going to cite four.

First, on the question of codification, there is no historic precedent for the codification of the military personnel policy that prevents a whole class of Americans from serving their country in the Armed Forces. There is simply no compelling reason to believe that we should break with history and codify such a policy. Over the past four decades, Congress has declined to impose restrictive personnel policies on the military.

In fact, even when the Tailhook scandal occurred, Congress stepped back and allowed the military to exercise its professional judgment.

In his report on the Tailhook scandal, the inspector general found that 83 women were sexually assaulted during the course of the 3-day Navy convention in Las Vegas. In total, 117 officers were implicated in one or more incidents of indecent assault, indecent exposure, conduct unbecoming an officer, or failure to act in a proper leadership capacity. And these acts were all committed by heterosexuals.

The report is graphic in its description of the alcohol abuse and sexual abuse within the military. Assaults varied, from female victims being grabbed, groped, pinched, and fondled. Some victims were bitten. Others were knocked to the ground, and some had their clothing removed or ripped.

The report rejects the claim that Tailhook was isolated. The abuses were not significantly different from those of earlier Tailhook meetings and were accepted by too many of the Navy's civilian and military leadership.

The report cites an overall failure of Naval leadership. And yet, in light of that scandal, Congress was content to allow the military to deal with this

issue. Yes, we exerted leadership, and much of that came from Chairman SAM NUNN. Senator SAM NUNN of Georgia exerted tremendous leadership in making sure the military got to the bottom of the Tailhook scandal.

Much leadership came from Congresswoman PAT SCHROEDER, and from the chairman of the Armed Services Committee at that time, Les Aspin, who is now the Secretary of Defense. They pushed and they prodded, and the military is responding.

But nobody at that time, nobody in this Chamber or on the other side, suggested a law that would kick all of the heterosexual men out of the military. Of course not. We did not even move to codify sexual harassment policy, although arguably such a policy would affect far more people than the policy this bill would codify concerning homosexuals.

So we in the Congress said after Tailhook, of those who behaved badly, who betrayed the honor of the military, we said it was behavior, not orientation. We did not condemn a whole class of heterosexual men because of that terrible behavior. Of course not.

We said that the Tailhook scandal was a matter of bad behavior, terrible behavior, on the part of heterosexual individuals and that the military should act to enforce strict behavioral rules. I bring that up, Mr. President, because I truly believe that the Tailhook scandal taught us a lesson, and the issue here is behavior, not sexual orientation.

My second principal reason for moving to strike the bill's provisions on homosexuality is that the policy in this bill before us is not the policy developed by the Pentagon and supported by General Powell, the Joint Chiefs of Staff, and the President. Most Americans saw the don't ask, don't tell, don't pursue compromise produced by the administration as a step forward on this issue. I feel I must correct the misimpression that the bill codifies this compromise. The don't tell provision is codified, but not the don't ask provision. Nor does the bill codify the Pentagon's call for an end to investigations based on mere rumor.

So what the bill codifies are only the most restrictive portions of the administration's compromise, leaving the cornerstones of the President's policy out. So the don't ask, don't tell, don't pursue compromise that most Americans, in polls, thought was a good step forward and a fair step forward—56 percent of the country thought it was a good step forward—that is not what is being codified in the bill before us.

My third reason for moving to strike section 546 relates to my feelings on the policy itself, whether codified or not. As former Senate Armed Services Committee Chairman Barry Goldwater has stated, banning loyal Americans from the Armed Forces because of their sexual orientation is just plain un-American.

I believe Senator Goldwater is correct. The issue is not whether gays and lesbians should be allowed to serve their country in uniform; they do, and they have done so with honor and distinction throughout the history of the U.S. military.

I remember, Mr. President, seeing a cartoon in one of the newspapers during the time that this issue was first raised, and if I remember it correctly—and I do remember the spirit of it—it was a cartoon of the Vietnam Memorial Wall, on which the names of 50,000 dead Americans are listed. And there was a little bit of a cartoon over a few of the names and it said, "Don't ask me now." I think that makes the point, Mr. President, that gays and lesbians have served in the military with honor and distinction. Indeed, many were awarded medals of distinction and, certainly, many have died for their country.

So we know that gays and lesbians have served in the military with distinction. The question is whether we will codify a policy of deceit that forces honest men and women to lie in order to serve their country. The policy contained in the bill is a policy of outright discrimination, which flies in the face of the very American values that the military is sworn to defend.

As I have already stated, Mr. President, military service should be judged on behavior and performance, not on a person's sexual orientation, whether the person is homosexual or heterosexual; the issue is behavior. No one disputes, even the proponents of this legislation, that gays and lesbians have served their country with honor and distinction.

Over the past few months, I have been struck by the courage of those military personnel who have been willing to comeforward to testify before the Congress, notwithstanding the personal risks involved, in the hope that others would no longer be the victims of an unjust, discriminatory policy.

Once more, I want to be clear on my view. No behavior that is inconsistent with military life should be tolerated, be it heterosexual behavior or homosexual behavior; and I support the strictest rules of conduct that would apply equally to all persons in the military, regardless of their sexual orientation.

What better place is there, Mr. President, to control behavior than in the military? All of military life is discipline. Tailhook serves as a glaring example of what is important in evaluating military service. It is behavior, it is performance, it is not sexual orientation.

This view is supported by the findings of the Rand Corp., a conservative defense industry think tank that the Pentagon commissioned to study this issue.

And that leads me to my fourth and final reason for objecting to codification. The policy contained in the bill was formulated without the benefit of the Rand Corp.'s study. This study cost American taxpayers $1.3 million, and its conclusions are being ignored in the bill that is before us today. I want to make that point to all of the taxpayers of this country: You paid, fellow taxpayers, $1.3 million for a study, an objective study, the Rand study, and its conclusions are being ignored.

At this point, I want to officially thank Chairman SAM NUNN, because when I went to him and I said to him, "Senator NUNN, I hope we will not bring up this military bill until I have had a chance to see this Rand study," he agreed, in all fairness—although he does not agree with me on this particular issue—that I had a right and other Senators had a right to see this report. I want to thank him for making sure we could get it.

The Rand experts visited seven foreign countries and the police and fire departments in six American cities seeking insights and lessons from similar experiences of other organizations and institutions. The Rand team considered the historical record, focusing on the military's integration of African-Americans and on the development of the current policy that prohibits homosexuals from serving. The team also reviewed public opinion, including the views of current active duty military personnel.

(Mr. CAMPBELL assumed the chair.)

Mrs. BOXER. Finally, the experts reviewed the scientific literature on group cohesion, sexuality, and related health issues, as well as the literature on implementing change in large organizations. The Rand report states that only one policy option is consistent with its research.

So I say again to the taxpayers of this great country: The Rand study, for which you spent $1.3 million, states that sexual orientation is not relevant to who may serve in the military. Let me repeat that. The findings of a taxpayer-funded study by the Rand Corp. concludes that sexual orientation is not relevant to who may serve in the military.

Without the benefit of the Rand report, the committee found that the mere presence of gays and lesbians is sufficiently disruptive of military order to justify their exclusion from service. The Rand experts did not agree, finding "ample reason to believe that heterosexual and homosexual military personnel can work together effectively."

The bill requires the discharge of people who simply say that they are gay, with nothing more. The Rand Corp. study reveals that such a policy is unfair and unnecessary. The study found that the policy on lesbians and gays in the military should not be

based on sexual orientation but should be built around strict and equal rules governing sexual conduct.

In other words, it is clear that behavior is the issue, not sexual orientation.

The DOD authorization bill that is before us requires the discharge of gay people for private conduct and public displays of affection but does not do so for heterosexual service members. The Rand policy, on the other hand, would establish clear standards of conduct for all military personnel, equally and strictly enforced.

Now I ask you, Mr. President: Is that not the American way? Equal standards, equally enforced, based on performance, based on patriotism, based on behavior, not based on sexual orientation.

Contrary to what is in this bill, the Rand report's findings indicate that gays and lesbians can serve the military, with no damage to unit cohesion.

The study makes the significant point that task cohesion in a unit, the ability to work together to accomplish a mission, is a more important factor in mission success than social cohesion, which relates to personal association.

Unfortunately, the bill ignores the distinction, and that is why I am moving to strike that language.

Section 546, which I hope we strike, states that the—

> * * * presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Let me read that again. The bill states: "The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk," and it goes on.

Talk about opening the door to litigation—a propensity. Who is going to make that decision if someone has a propensity to act in a certain fashion?

And this finding that the committee makes in section 546 is not supported by the Rand study.

Let me read what the Rand researchers found about "unit cohesion." And I am quoting from the Rand report, and I remind everyone it is a taxpayer funded report:

> Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "homosexuality is incompatible with military service."

But the Rand experts reached a commonsense conclusion that contradicts that basic rationale. They say:

> It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.
>
> First, research suggests that leaders play an important role in promoting and maintaining unit cohesion.

That is the Rand study. Research suggests, they say, that "leaders play an important role in promoting and maintaining unitcohesion."

> Second, military roles, regulations, and norms all enhance the likelihood that heterosexuals will work cooperatively with homosexuals.
>
> Third, external threats enhance cohesion, provided that the group members are mutually threatened and there is the possibility that cooperative group action can eliminate the danger.

The task brings people together, and that is a very long way of explaining what I was told quite succinctly by an old friend of mine who served in World War II. I asked him, as we were debating this subject, whether they knew of gays in the military way back then. He said, "Of course we did." So I asked him whether it made a difference. And he turned to me and he said, "BARBARA, when you are down there in the foxhole and bullets are flying and you're counting on that guy next to you to save your life, you do not care whether he's gay or straight. You just care if he shoots straight."

The bottom line is they did not care if the person next to them was straight as long as they could shoot straight. And what does that say? And that is from a veteran who served with distinction, who put his life on the line. He is now a physician. It says that behavior, performance, and qualifications are what count. And that is why it is important to strike this language, Mr. President.

The Rand Corp. findings with regard to the experience of other countries is also highly relevant information that was not available to the committee when the bill was drafted. Researchers visited Canada, France, Germany, Israel, the Netherlands, Norway and the United Kingdom, and taxpayers paid their way so that we could find out what was the right thing to do. And what did they find out?

With the exception of the U.K. all of these countries permit known homosexuals to serve in some capacity in their armed forces. According to Rand, and I quote:

> Several broad themes emerged from these visits, with potential implications for the situation facing the U.S. In countries that allow homosexuals to serve, the number of openly homosexual service members is small and believed to represent only a minority of homosexuals actually serving.

So the number of homosexuals that were open was small in these countries.

Second, this is Rand:

> Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Third:

> Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed action was taken to remove the individual, homosexual or heterosexual, from the unit.

Rand researchers also looked at the experience of American police and fire departments with nondiscrimination policies. As with foreign militaries, it was found that the key to successful integration of gays and lesbians was training that emphasized behavior.

Behavior must be the focus of our military personnelpolicy because behavior forms the basis of the qualifications of those who are asked to make the ultimate commitment, those who we ask to risk their lives. We look for competence, we look for strength, we look for courage, we look for patriotism, we look for people who are willing to put their lives on the line.

What is interesting, as Randy Shilts reported in his book, "Conduct Unbecoming," during wartime we have not seen the military make any moves against homosexuals. In other words, in wartime if people are willing to put their lives on the line, we allow them to do that. It is behavior, it is performance, it is willingness to serve, it is patriotism, and that has to be the yardstick.

An individual's sexual orientation, just like hair color, religion, just like their ethnicity, and just like their gender is no measure of their qualifications.

The Senate should not codify a policy that is just plain un-American. But that is what this policy is. It is a policy of discrimination based on status instead of behavior.

The Supreme Court has stated that "the fear and prejudice of others" does not provide a rational basis for a Government-sponsored discrimination. And in my opinion, in my humble opinion, and with great respect to the chairman of the Armed Services Committee, I say that this policy is based on discrimination. It is based on the proposition that, in the military at least, the fear and prejudice of others is all that is necessary to justify blatant discrimination based on status, not conduct.

Our Nation is built on the belief that people have the right to live and work in a world without discrimination. It is built on the belief that individuals, regardless of race, color, or creed, should be able to reach beyond their grasp, serve their country and live the American dream.

Let us not codify what Coretta Scott King has called "this un-American ban, which makes a mockery of civil and human rights in our country."

Finally, it is easy to lose sight of the impact that policies have on people's lives. It is easy to label people that are different from us as "those people." We might be able to temporarily fool ourselves into thinking that those people are not really part of our social fabric—and I am reminded, Mr. President,

of a German philosopher who wrote about World War II.

When the Nazis came for the Jews, I did not speak up because I wasn't a Jew. And when the Nazis came for the gypsies, I did not speak up because I wasn't a gypsy. And when the Nazis came for the mentally defective, I did not speak up because I was not mentally defective. When the Nazis came for me, there was no one left to speak up.

So let us not do this to gay and lesbian people. Let us have a code of behavior that affects us all and does not divide us.

We fool ourselves when we say that those people are not really part of our social fabric, and those people they are not really human, and those people do not really have an effect on our lives. That is not right. We are all God's children and those people are our sons and our daughters.

I have listened to the stories of my constituents whose lives and careers have been damaged by this policy. Take for example Benjamin Dillingham, a San Diegan, who served honorably for 8 years as an officer in the U.S. Marine Corps. He was even decorated by another branch of the military and given the Army Commendation Medal. And, for his service in Vietnam, he was presented with the Bronze Star Medal.

On the citation, they noted that Ben had "repeatedly distinguished himself by his courage and composure during critical situations." Courage. Composure. That is what the military said about Ben. Are these not the qualities that we hope all of our servicemen and women possess? Ben served with distinction. And, during these heroic battles, he witnessed and later told of combat situations where members of his platoon accepted and trusted peers of theirs whose sexual orientation was known.

Sure, it was known. It has always been known that there have been gays and lesbians in the military. But, frankly, it just was not an issue.

Or look at the story of Ruth, one of those interviewed for Randy Shilts' book, "Conduct Unbecoming." A midshipman at the U.S. Naval Academy, she was suspected of being a lesbian. So, what did her peers do? Did they confront her? Did they ignore it? Did they leave her alone? No. Instead, the male shipmen were assigned to ask her out and see if they could seduce her.

And, under the cruel guise of showing her "what it's like," one of these future officers physically attacked her. She escaped from the room, but was unable to file charges of rape. Why? Her career in the Navy depended not upon her skills, but rather upon her not being labeled as a "lesbian."

We need to listen to these human voices. We need to put a face on this issue. Because for these people, gays in the military is a reality, not a question.

We are all God's children. Codifying this restrictive policy on gays and lesbians in the military would simply perpetuate the injustice done to courageous Americans.

I, therefore, urge my colleagues to support this amendment to strike the section that would codify this discriminatory policy.

And I would sum up in 15 seconds the four reasons: First, there is no precedent or reason to codify; Second, it contradicts the Rand study; Third, it is not the compromise most Americans thought it was; and, fourth, in my humble opinion, it is un-American.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, I want to thank the Senator from California for her courtesy, both in the timing of bringing up this amendment and being willing to bring it up this morning—which I think is an ideal time from the point of view of the committee, particularly since we had the Somalia matter that was not able to be completed last evening—and for her willingness to enter into a time agreement.

I believe the Senator was willing to originally have about an hour on each side. I am informed there are a number of speakers on our side and probably also on your side. Therefore, we probably would not be able to complete the debate before 12:15, which is in another 2 hours.

I would now like to propound a unanimous-consent request, but I will wait until the Senator from California has a chance to talk to staff about how much more time she would desire.

We wanted to make sure there would be no second-degree amendment, before entering into a time agreement, and I now have an agreement to that effect.

Mrs. BOXER. May I ask the Senator, he is proposing an hour on each side, is that correct, approximately?

Mr. NUNN. That would be fine. I believe we may need about an hour and 10 minutes or an hour and 15 minutes on our side, since you already had one-half hour. But we can discuss it and in a moment I will propound that. I will wait to hear from the Senator.

Mr. President, the Senator from California, Senator Boxer, has been a forceful and articulate advocate of the proposition that gay men and lesbians should be permitted to serve in the Armed Forces. Certainly, I admire her and respect her greatly. We worked together when she was on the House side and we continue to work together here on many matters, so I have great respect for her. And I have respect for the arguments she has presented today. I do not agree with them, but I certainly respect them.

The amendment before us, everyone should understand, the Boxer amendment, does not directly overturn the restrictions on gays and lesbians serving in the military. Instead, this amendment, if it passes, would strike all the provisions in the bill where the Congress addresses this subject and it would leave the President—this President or any future President—with the sole discretion as to the changes, if any, that should be made in the policy.

In other words, this amendment basically says Congress is not part of this. It is up to the President.

The Boxer amendment, as I view it, presents the Senate with a clear choice as to how we should exercise our responsibilities under article I, section 8, of the Constitution which basically says that the Congress—quoting from the Constitution is:

* * * to raise and support armies; * * * to provide and maintain a Navy; [and] make rules for the Government and Regulation of the land and naval Forces.

Now, that is not the Commander in Chief who is given that responsibility and authority under the Constitution. It is the Congress of the United States. That is very clear. Nothing is clearer under the Constitution than our duty under the Constitution,

* * * to raise and support armies; * * * to provide and maintain a Navy; [and] make rules for the Government and Regulation of the land and naval Forces.

That is our duty. It is up to us as to how we exercise that duty. But there is no doubt whatsoever—some pundits to the contrary notwithstanding that I have read from time to time—that the Congress of the United States has the right to act in this area, and the Congress of the United States has the constitutional responsibility to make the rules and regulations governing our Armed Forces.

Some people may not like that. They may not believe that the Congress of the United States has any business putting its nose in what some people believe is only executive responsibility, but that is not what our Founding Fathers thought and that is not how our country has been run for the last 200 years.

So there is no doubt whatsoever that we not only have a right to legislate in this area, in my view and the view of the Constitution of the United States, but we have a responsibility.

The language in the pending bill that the Boxer amendment would strike fulfills our constitutional responsibilities by providing clear standards and procedures for addressing the issue of homosexuality in the Armed Forces. If we adopt the Boxer amendment, however, and strike the language from the bill, the Congress of the United States and the Senate of the United States will be providing no views, no guidance, and no legislation on a subject which has generated intense debate among the public in general and certainly among the members of the Armed Forces of the United States.

In effect, we will be saying to the Armed Forces of the United States: "No matter what your concerns are in this area, we are going to leave it up on the Commander in Chief. We will be silent on the matter which our military and civilian leadership has identified as having great significance with respect to the morale, good order, discipline, and effectiveness of our Armed Forces."

In my judgment, if we adopt the Boxer amendment, it would be an unfortunate abdication of our own obligations and responsibilities under the Constitution.

Mr. President, the background of the committee's action on this issue underscores the need for retention of the language in the committee's proposal. The impetus for congressional action came first from those who proposed a change in DOD's longstanding restrictions on the service of gays and lesbians.

I hope our colleagues will recall that the proponents of lifting the ban were the ones who undertook the legislative initiative. This committee did not pop up and say we wanted to legislate in this area.

The first time this subject came to the attention of the Senate was last year when Senator METZENBAUM, the Senator from Ohio, who is also a vigorous spokesman for eliminating the restriction, proposed a legislative amendment.

If we adopt the Boxer amendment, that would be saying that the Senator from Ohio, when he wanted to legislate on this subject, was getting into an area that only the Commander in Chief should have any voice in.

So I would say that the proponents of the Boxer amendment basically are coming from a totally opposite point of view, from an institutional responsibility perspective, from the original proponents of lifting the ban by legislation.

Last September during the debate on the DOD authorization bill, Senator METZENBAUM proposed an amendment to eliminate the restrictions. I said at that time, quoting from that debate, "I think this subject deserves the greatest care and sensitivity, and I think it deserves a hearing before our committee." I added,

> We will have hearings on this subject next year. We will hear from all viewpoints. We will take into consideration the viewpoints of our military commanders, the viewpoints of those in the homosexual community, the viewpoints of those who are in uniform today who may be homosexual, and we will also consider the men and women in the military who are not in that category * * *.

That ends the quote from last year's debate.

During the 1992 Presidential campaign, then-candidate Bill Clinton said that, if elected, he would take action to change the current policy restricting the service of gay men and lesbians serving in the Armed Forces. Indications that the policy would be changed after the inauguration led to an intense national and congressional debate in January of this year. A number of Senators indicated at that time that they would offer an amendment early in the congressional session that would prohibit any change in policy.

I expressed the view that neither the executive branch nor the Congress should make a significant change in DOD's longstanding policy by Presidential order, or by congressional action, prior to undertaking a comprehensive review and hearings on the subject.

Working with the majority leader, Senator MITCHELL, I discussed this matter in detail with President Clinton. The President, on January 29, directed the Secretary of Defense to complete a study of the issue by July 15. In addition, the President directed that the then-current DOD policy remain in effect with one significant change recommended by the Joint Chiefs of Staff: new recruits would not be questioned about homosexuality during the enlistment process.

The President and others in the Department of Defense accepted my suggestion that the new recruits, who were no longer going to be asking the question, would be given a full briefing not only about homosexual conduct and expectations relating to that conduct in the Uniform Code of Military Justice but it would also include sexual conduct including prohibitions against any kind of sexual harassment.

So we now have and have had in the interim policy and continuing policy, no questions asked about this at the beginning but a clear explanation so all new recruits, men and women, understand their obligations under the Uniform Code of Military Justice relating to all sexual activities, not simply homosexual matters. So that is the policy. That was the interim policy. That has now been part of the new policyarticulated by the President and Secretary of Defense in July of this year.

The issue soon came before the Congress. During Senate debate on February 4 on President Clinton's first major legislative initiative, the Family and Medical Leave Act, the Senate rejected an amendment, on a 62-to-37 tabling motion, which would have frozen in law the policy that was in effect on January 1, 1993. I argued that that motion should be tabled because I felt it was premature and the Congress of the United States should know what we were doing before we legislated.

The Senate then adopted an amendment which expressed the sense of the Congress that the Secretary of Defense should conduct a comprehensive review of this issue. In addition, the amendment directed the Committee on Armed Services to conduct comprehensive hearings on the current military policy and to conduct oversight hearings on the Secretary's recommendations as such are reported.

The Senate also agreed to an order that effectively precluded consideration of any further amendments in the Senate relating to the service of gay men and lesbians in the Armed Forces until July 15, 1993. In other words a moratorium. The President would study it, the Joint Chiefs would study it. Congress would not legislate. That was in effect the deal until July 15, 1993. That deal was respected by all sides and carried through.

The committee recognized that the question of whether changes should be made in the restrictions on the service of gay men and lesbians in the Armed Forces generated intense feelings in the Congress, in towns and communities around this country, and particularly throughout the ranks of the military services. Although the committee received testimony reflecting strongly held religious and philosophical views, the committee's primary focus and concern was on the implications of any change in DOD's policy on the effectiveness of our Armed Forces to carry out their mission to defend our Nation. That was the bottom line. That is where we started. That was our focus and that is the heart of what we have made recommendations on. That is, the ability and effectiveness of the men and women in the military to carry out their mission of protecting the security of this Nation. That is the bottom line.

The hearings, which are described in detail on pages 268 through 270 of the committee's report, enabled the committee to develop a detailed legislative record on this subject.

I will not go into the detail about the hearings but we did have a comprehensive set of hearings. We heard from people on both sides of the issue and we had considerable amount of testimony both in favor of lifting the ban and also in favor of keeping the current policy.

In addition to the eight hearings, the committee received testimony for the record from numerous private citizens and organizations. The testimony presented to the committee represented a wide range of experiences, including those of former and current service members who have publicly identified themselves as gays or lesbians.

The committee received a broad variety of views ranging from recommendations to reinstate the policy in effect prior to January 29, 1993, interim modifications, to recommendations for elimination of the restrictions on homosexual acts.

The committee carefully considered all points of view in developing its recommendation.

These hearings were extensive, and represented a major commitment of time and energy by the committee's

members and staff. As with any controversial issue, we knew from the beginning that a number of people would not be pleased with the outcome. Some thought we should have conducted a major inquiry into the nature of homosexuality itself. Some urged very strongly that we go into the medical, philosophical, and religious considerations of this very sensitive and complicated, as well as controversial, subject.

Others, coming from a different point of view, believed that we should focus exclusively on civil rights. Some even said that focusing on military readiness was not something the committee should consider. It was simply a matter of civil rights. We did not go with either one of those views. We did not exclude any point of view but the committee maintained that our focus and our constitutional responsibility was to provide rules and regulations for the Government of the Armed Forces of the United States.

That focus was clearly recognized by Senator KERRY of Massachusetts, a very articulate and very persuasive proponent of lifting the restrictions. Again, I did not agree with him but I thought he made a presentation from his perspective which was very effective.

Senator KERRY expressed his appreciation, in his testimony before the committee, using his words, for the "sober, serious way" in which the committee approached the issue. Senator KERRY directly said, quoting him:

> While some may disagree with venues or locales or process occasionally, I think you have bent over backwards to guarantee that this is a discussion that is at a higher level than some discussions we have had around here, and I respect that and appreciate it.

Mr. President, Senator KERRY along with others testified forcefully in favor of lifting the restrictions on the service of gays and lesbians in the Armed Forces. Others testified very strongly against that change. The country expects the Congress to fulfill its responsibility on this issue, in my view, and not simply hand it off to the President, which is what would happen if we adopted the Boxer amendment.

The effect of the Boxer amendment would be that the President would have unfettered discretion to establish the rules and regulations on homosexuality in the Armed Forces.

For example, if the President wished to lift the ban in its entirety, he could do so if this amendment passes.

If the President wished to eliminate the requirement for discharge of persons who engage in homosexual conduct, he could also do that.

The President could also tighten the restrictions if he chose to do so. There is after all no guarantee that President Clinton might not adopt a different view on this issue, after he has served a couple of years as President and Commander in Chief. Moreover, President Clinton will not always be President.

I hope he will be President for years to come, but his successor would have the freedom under this law, if the Boxer amendment is adopted, to change the policy on homosexuality. For example, we could have a President who could go in a different direction altogether. He could, for instance, reinstate the pre-1981 policy of discharging service members for "homosexual tendencies."

At that time when we had that policy, there was certainly the possibility and, in some cases, it happened, that there would be separation from the military services even when there was no proof—no proof—of a homosexual act, statement, or marriage; in other words, someone simply coming to the viewpoint that someone had homosexual tendencies, whatever that is.

So there was no definitive standard at that time that, in my view, was sustainable. Another President could come back and say,

> Well, under the Boxer amendment, the Congress did not legislate, so we are going to go back to the old policy, and anyone who has "homosexual tendencies" will be kicked out of the military service.

Another President could replace the rebuttable presumption that an individual who states that he or she is homosexual has an intent or propensity to engage in homosexual acts, by irrebuttable presumption, which would result in mandatory discharge upon any admission.

In other words, under the committee's proposal, we would have a rebuttable presumption, but the individual would also be able to rebut that presumption. But that does not necessarily have to stay if we adopt the pending amendment and abdicate our congressional responsibility to pin down this policy in law.

Another example involves the authority to retain individuals when the conduct is a departure from the individual's customary behavior and is unlikely to recur: Under the committee's proposal, if an individual demonstrates and convinces the convening authority that this is a deviation from their customary behavior, a particular event that was a deviation and is unlikely to recur, then they would not have to be discharged. But if the pending amendment is adopted, a President could come in and say this is no longer the policy.

These examples are not exaggerated. There are many who advocate a policy much more restrictive than the policy that was adopted by the committee. Is this a matter we should leave to the unfettered discretion of this or any future President? My answer is clearly no.

We have had hearings on the subject. That is what we are here for, is to hear from all points of view and to make a deliberate decision: Why should the Congress of the United States not legislate in an area of this importance?

We have conducted comprehensive hearings. We are fully capable of reaching a legislative judgment as to what rules should govern the conduct of members of the Armed Forces in this area. Having undertaken this task, at the urging of those who wanted to lift the ban, it is my view that we should complete this task and legislate where we have the clear authority and responsibility.

Mr. President, the Senator from California has spoken, I think, very effectively about the Rand study. I think she has quoted that study in terms of its contents accurately. I do think, however, there are considerations of context of the Rand study that have to be considered by our Members in determining the weight to give that study in terms of its persuasiveness.

The Senator from California has indicated that the Rand study published by the Department of Defense in late August compels support for a position different from that recommended by the committee. In my judgment, this is a misreading of the context of the Rand study. During the committee's final hearings in July 1993, the committee requested that it be furnished with a study that the Department of Defense had commissioned in April 1993 from the Rand Corp. The study was submitted to the Congress and made available to the public in late August 1993, and the Senator from California was certainly a stimulus in that regard to get that published and released. I think that was entirely appropriate, and I agreed with her completely. The study should have been released, and it has now been released.

The study, of course, does not represent the official views of the Department of Defense or the President of the United States. In fact, they had this study and they analyzed this study. This was part of their deliberative process when they came to a conclusion which was different from the study. So this is not something the President and his people did not consider. They did consider it. Indeed, the senior civilian and military leadership of the Department of Defense concluded that the standards of conduct recommended by Rand were unworkable, and they did not adopt the recommendations in the Rand report.

It is critical to note that Rand did not study the issue that has been before the Congress: Whether the restrictions on service of homosexuals should be changed. What the Rand study did, and they were asked to do this, was:

> . . . to provide information and analysis that would be useful in helping formulate [an executive order] ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces.

In other words, the Rand Corp. was asked: How do we do this; they were not asked whether we should do this.

The committee and the Congress has to decide whether we should do this. If the Senate of the United States had told the Committee on Armed Services not to study whether we should do this but how we should implement a lifting of the ban, then if we had been mandated to do that, that is what we would have had to do, if we had been mandated to do that by the Senate. We did not do that.

We first determined the elementary question of whether we should lift the ban. We determined the answer to that is the ban should not be lifted. If you are going to start with the proposition that the ban should be lifted and that you are going to tell the President how it should be lifted, then you could come to any kind of conclusions, as the Rand Corp. did.

I do not criticize the Rand Corp. You get what you pay for. If the executive branch pays a private group to study how you do something, the private group, if they want to get another contract, does not go back and say, "We looked at how you should do it; but, by the way, we do not believe you should do it." That is not what they were asked. If they were that kind of analytical group, then they would not get many contracts.

So you have to look pretty closely at what someone is being paid to do before you use their findings to support a proposition that they were not looking into. In other words, a specific policy outcome that homosexuals should be allowed toserve in the Armed Forces was assumed by the Rand study, and Rand was tasked with assisting in the implementation of that outcome. Consequently, Rand did not undertake an analysis of DOD's longstanding restrictions in terms of whether the interests of national defense would be best served by retention, modification, or repeal of these restrictions.

I would add one other comment on the Rand study. I think that anyone studying this matter would look at one of the most comparable areas, and that is the integration of women into the military. The Rand Corp. did not look into gender integration in the military because they said we did not integrate women into combat positions, and also because we do not integrate women and men in terms of living conditions. So they rejected a gender analysis and basis because they said we do not do this with men and women. So that analysis is not part of this study.

I find that a bit curious because certainly it seems to me when you are dealing with sexual matters that it is relevant as to how you handle gender integration. But it is true, we do separate men and women in living quarters. So when you are dealing with another aspect of sexuality and you are saying we are going to completely integrate and not have separate quarters, I suppose there is some at least loose rationale—I think it is pretty loose—in saying we would not consider that kind of comparison.

In short, the Rand report did not assess the validity of DOD's pre-January 1993 policy. They did not assess President Clinton's July 19, 1993, policy. They did not assess the committee's proposal, and the administration did not adopt the standards recommended by Rand.

The Senator from California has also talked about the general principles of the Dahl case. That is a decision of a district court in California in the case of Dahl versus Secretary of the Navy. That court held that restrictions on homosexuality in the Armed Forces are unconstitutional.

In Dahl, the district court held that a discharge under the pre-January 1993 policy based upon an admission of homosexuality was unconstitutional under the equal protection doctrine because it reflected irrational discrimination based on prejudice.

Mr. President, this decision concerned the pre-1993 January policy, not President Clinton's July 19, 1993, policy or the pending legislation. I think it is very dangerous to cite district court decisions as indicative of what the Supreme Court of the United States is finally going to do, and this matter will finally have to be determined at the Supreme Court level. I do not believe this case will be affirmed on appeal. Of course, that remains to be seen.

I am confident, however, looking at everything the judiciary has done regarding the military in the last 40 or 50 years, that when the judiciary—the Supreme Court and the appellate courts—has before it the legislation, if enacted by the Congress, as well as the full legislative record of our hearings and our deliberations and debates, the courts will give the Congress and the executive branch the historical deference that has traditionally been provided in military litigation.

Indeed, the Dahl case, I think, underscores the importance of rejecting the Boxer amendment.Judicial deference in military matters is at its highest when Congress and the executive branch are in accord. And if we pass this legislation, we will be in accord with the President's order and the executive branch policy. If the Boxer amendment is adopted, the actions of the executive branch will be assessed without the benefit of expressed congressional findings, standards, and procedures. The impact of the pending legislation on any litigation should not be underestimated, and it would be unwise for us to deny the Justice Department the important support that this legislation provides for the President's July 19, 1993, policy.

Before leaving the Dahl case, however, I would like to specifically address the issue of whether this policy is based upon prejudice. Perhaps the best response was framed by Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, whose personal background has provided him with a very keen understanding of the concept of prejudice. I think he understands what prejudice means better than most of us.

General Powell made it clear that DOD's policy was based upon military requirements and not stereotypes, or prejudice, or religious views, or moral judgments. Quoting from General Powell:

> Our concern has not been about homosexuals seducing heterosexuals or heterosexuals attacking homosexuals. It is not our place as uniformed leaders in the armed forces to use our official position to make moral or religious judgments on this issue.

General Powell clearly distinguished the issues raised by homosexuality from the issues raised by racial or sexual prejudice.

General Powell said, and again quoting him:

> Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group, the same is not true for sexuality. We have successfully mixed rich and poor, black and white, male and female, but open homosexuality in units is not just the acceptance of benign characteristics such as color or gender or background. It involves matters of privacy and human sexuality that, in our judgment, if allowed to exist openly in the military, would affect the cohesion and well-being of the force.

Mr. President, the committee specifically addressed the issue of prejudice in its report on page 284, and I am quoting from the committee report. By the way, this report was adopted by a 17-to-5 vote in the committee, a majority of Democrats and a majority of Republicans joined together. Quoting from that report:

> Some have suggested that the policy is based upon irrational stereotypes, such as the view that homosexuals are predators or that all homosexuals inevitably are attracted to all persons of the same sex.
>
> The committee, in recommending codification of restrictions relating to homosexuality, does not rely upon such stereotypical views. The committee notes that some individuals may view themselves as "homosexual," "gay," or "lesbian" based upon intentions that are never acted upon, just as there are persons who view themselves as heterosexual who remain celibate. Likewise, the committee notes that not every gay or lesbian person will find every person of the same sex to be sexually attractive, just as not every heterosexual person finds every person of the opposite sex to be sexually attractive.
>
> It would be irrational, however, to develop military personnel policies on the basis that all gays and lesbians will remain celibate or that they will not be sexually attracted to others. When dealing with issues involving persons of different genders, for example, the armed forces do not presume that service-

members will remain celibate or that they will not be attracted to members of the opposite sex. On the contrary, the military specifically provides men and women with separate quarters in order to ensure privacy because experience demonstrates that few remain celibate and many are attracted to members of the opposite sex.

Similar considerations apply to the development of policies with respect to homosexuality. The committee agrees with the view of the Department of Defense that it is appropriate to take into consideration that when a person indicates that he or she has a propensity or intent to engage in a homosexual act, the armed forces are not required to wait until the person engages in that act before taking personnel action.

Mr. President, I believe it is important that the Congress as a whole affirm that the policy of homosexuality is based upon prudence, not prejudice, by supporting the legislation recommended by the committee. I urge that the Boxer amendment be defeated and that the legislation recommended by the committee remain in the bill.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I had hoped that I would not have to be in this Chamber today on this subject. I had so hoped because in November, or sometime last year when this matter was before the Senate, I indicated my concern about being fair, nonprejudicial, and unbiased with respect to homosexuals in the military. I was prepared at that time to offer an amendment. My colleague from Georgia, in whom I have great respect, urged me not to go forward with the amendment at that time on the understanding that the committee would conduct hearings on the subject, and he certainly has lived up to his word on that.

But what is disappointing to me is that the President of the United States has made it clear what his position is with respect to the right of homosexuals to serve in the military of their country and for our military not to be discriminatory,provided, of course, the homosexual not create any particular problem by reason of his or her homosexuality.

Then the President enunciated his policy, which he had worked out with the military commanders, and I thought at that point, well, it was not all that it might have been but I thought the President had taken a middle-of-the-road position and that there was some reason to recognize the realities of the situation and go along with it.

But then along came the Armed Services Committee and they inserted the language that the Senator from California has addressed in her amendment. I commend her for her leadership in offering this amendment. It is an important amendment, as important as any civil rights legislation to come before this body. And I hope my colleagues will think of it in that regard.

I am concerned that too many will think about this amendment on the basis of its political consequences: Will it help me get elected or reelected? But that is not the issue. We have gone down that road over a period of many years with respect to civil rights legislation, and too many have voted on the basis of the political consequences instead of voting on the basis of what is the right thing to do.

In truth, I had hoped the issue of whether homosexuals would be able to serve in the Armed Forces had been settled when President Clinton issued his policy statement before the Joint Chiefs in July. As I previously stated, I was not completely satisfied with that position. I do not believe he was either. My personal belief was and is now that there should be no restriction on homosexuals in the military as long as they follow the military code of conduct. I believe that was the President's feeling as well.

Unfortunately, that was not possible given the opposition of the military and the possibility of a congressional override. The President did the best he could given the difficult circumstances. I wish I could say that I feel the same way about the action of the Armed Services Committee.

This committee provision, section 546, which purports merely to codify what the President has already done, in this Senator's view is a sham. It is far more restrictive to homosexuals than the President's position. It is a gratuitous slap in the face to courageous young men and women who have served their Nation. It is payback to the homosexual community for having had the effrontery to think they could serve openly in the military, for having had the audacity to believe that their substantial contributions to this Nation in war would ever be fully recognized.

It is a fact that the job performance of homosexuals in the military has been superb. That fact is indisputable because every time a gay man or lesbian is discharged from the service for reason of being a homosexual, his or her service record becomes part of the official investigative process. In nearly every instance, the job performance of these individuals has been substantially above average. Four times over the past year I have stood here on the Senate floor and spoken about the incredible cost of the military's prejudice against homosexuals.

Mr. President, I happened to have had a meeting with somebody yesterday concerning the matter of civil rights. I pointed out to him at that time, the first time I ever introduced a bill dealing with civil rights went back to 1943—1943, over 50 years ago.

I remember when I was in the State legislature at that time and I introduced that which was called an FEPC bill, Fair Employment and Practices Commission, how there was literature distributed around the House of Representatives that I was in in Ohio which accused me of being a Communist because I had come up with this unbelievably audacious proposal that no person should be discriminated against by reason of their race, color, creed, or national origin.

It took 7 or 8 years in order to get that legislation passed in Ohio. Nobody today ever remembers the term FEPC. But I remember how that which was out of sync with so much of the thinking politically has come to be accepted as a reality in our Nation regarding discrimination based upon race, color, creed, or national origin. But now we have this question of discrimination based upon sexual orientation.

I think that what has happened to some of the young men and women in the military is enough to make you cry. It is enough to sadden you and say what kind of Americans are we? Lt. Tracy Thorne was a 26-year-old navigator-bombardier. He finished first, first, in his flight training class. Then he received top honors from the Navy. And then he was busted out of the service for being gay.

Did he do anything wrong? Did he harass somebody? No. He did not do any of that. He merely said he was gay.

Last year the Army dismissed Col. Margarethe Cammermeyer, one of the finest nurses in the military. Colonel Cammermeyer served 14 months in Vietnam. She won a Bronze Star. She was named the Veterans' Administration Nurse of the Year in 1985. She had a magnificent record. But her crime was to acknowledge, during an interview, that she is a lesbian.

Lieutenant Thorne and Colonel Cammermeyer are just the most recent casualties of a policy that has destroyed thousands of careers and lives.

I say to my colleagues here in the Senate; do we have the political courage to recognize the reality of this situation, or will we hide behind some kind of concept that the committeeprovision is doing the right thing? The fact is the President's policy was a middle-of-the-road policy, accepted by the Joint Chiefs of Staff. And yet now the Senate has to come in and tighten up and make it tougher.

Some of these individuals who have already been fired would still be fired under the Clinton plan. All of them, all of them, would face dismissal under the committee provision. There was really no need for the committee to include this provision in the bill. It is a fact that our military leaders were satisfied by the President's proposal. They did not ask for codification. In fact they are probably against Congress intervening in matters that have always been under their jurisdiction, specifically military personnel policies.

This so-called codification is a return to the status quo ante as it existed prior to 1993 when homosexuals were routinely hunted down and kicked out of the military simply because they were gay.

Just compare the two. The President's announcement versus the committee provision. Under the Clinton plan, homosexuals are permitted to serve as long as they keep their sexual orientation to themselves.

The practice of questioning new recruits about their sexual orientation is abolished. Military commanders are directed to cease conducting witchhunts against suspected homosexuals. Violations of the Uniform Code of Military Justice are to be handled in an evenhanded manner without regard to whether the conduct alleged is heterosexual or homosexual. Harassment or violence against service members is not to be tolerated.

The spirit of the Clinton plan is protective of people's rights, their right to serve, there right to equal protection under the law, their right to privacy.

The Armed Services Committee provision, on the other hand, is brutal—brutal. It starts right out with a series of findings that culminates in the ambiguous sweeping and never-substantiated claim that homosexuals in the military create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion.

Let me read it to you.

> The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Where does that come from? What is the proof for that statement? That is contradictory to what the President'sposition has been. Yet the suggestion has been made to us that this is merely codification of the President's program.

I say no way—no way.

Although that statement has oft been repeated throughout this debate, it has never, never, never been proven. Even the Pentagon's own Rand report on sexual orientation in the military said there was no evidence to support the claim that the presence of homosexuals breaks down unit cohesion.

According to Rand:

> No controlled experiment or other research bear directly on this issue.

And I quote further:

> The principal conclusion from an extensive review is the common sense observation. It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.

From there the operative language of the Armed Services Committee provision goes downhill. It says simply that homosexuals will be separated from the military. The Clinton call for moderation in investigations into witchhunts against suspected homosexuals is completely absent from the committee bill. There is nothing in the bill about evenhandedness in investigations of allegations of heterosexual misconduct.

Is heterosexual misconduct OK in the military, but homosexual misconduct is totally forbidden and you cannot even get close to the line? But heterosexual misconduct, that is fine. Don't worry about that, despite the fact that sexual harassment of women in the military continues to be a far greater detriment to morale, a far greater embarrassment to the military, a far greater impact on unit cohesion than any other sex-related issue including homosexuality.

But what is the Armed Services Committee doing about sexual harassment? Nothing that I know of. Nothing. I need only mention the Tailhook party in which hundreds of drunken naval aviators sexually assaulted and harassed their female colleagues.

Top Navy officials, including the Secretary of the Navy, lost their jobs for botching the internal investigation of Tailhook. They tried to cover it up. Many thought they were simply doing the job of covering up for the boys. They were taking care of the boys in the military.

There is nothing in the committee language that deals with harassment or violence against other service members, with sexual harassment, or any of the abuses of Tailhook. It is astounding, Madam President. Even the question asked of new recruits about their sexual orientation is brought back in this committee provision. The committee provision contains sense-of-the-Congress language permitting the Secretary of Defense—the Congress is doing all this great work and we are going to put something into the legislation, and when they get all done they provide that the Secretary of Defense may "reinstate that questioning with such questions or such revised questions as he considers appropriate * * *"

So as soon as you bring back somebody as Secretary of Defense who wants to really go even further than the committee language or the President's position, it is perfectly OK to do so. We give him or her carte blanche.

Madam President, I want to say that the Armed Services Committee provision is a bad, bad provision. It is discriminatory. It takes us back to the time when we discriminated against African-Americans and when we discriminated against Indians, and when we discriminated against Mexican-Americans and Hispanics. We have tried to move forward in this country with respect to those issues of discrimination. But with respect to discrimination against homosexuals, that is fine. That is OK. We are not going to do anything about that. In fact, we are going to turn the clock back from the position that the United States worked out with the Joint Chiefs of Staff.

This provision is cynical, and it denies reality. It will force thousands of servicemen and women to dishonor themselves, to lie every day to protect their careers and their livelihoods. Furthermore, it will let military commanders off the hook. It will spare them the added task of having to educate and inform the ranks of the truth—that homosexuals serve now and have always served, that they make brave soldiers, and that they have fought and died in all of the wars of this country.

It is a fact that many military organizations throughout the world accept openly homosexuals in their ranks. I saw some television coverage not too long ago where commanders of some of the military forces of other nations said openly that they were homosexual. Their ranks were filled with heterosexuals, and they had no problem being commanded by homosexuals. We have problems in this country, according to the Armed Services Committee, with respect to a homosexual having the right to serve his or her Nation. This provision is gratuitous, and it is mean spirited. It is unnecessary, and it should be struck from the bill.

I commend the Senator from California for offering her amendment. I urge my colleagues to vote for it.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Indiana is recognized.

Mr. COATS. Madam President, the ranking member, Senator THURMOND, wishes to speak at this point, and he is in a meeting right now. He will come to the floor very shortly.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I am contemplating an amendment which later today I will send to the desk and ask that it be printed, thereby putting it on the desks of the Members of the Senate for business tomorrow.

I will take this somewhat unusual procedure so that before I make the final decision to proceed with the amendment I can have the benefit of the thinking of other colleagues, most importantly, and the opinions of the Departments of Defense and State.

Briefly, the amendment will require the administration to clarify that policy in effect today whereby the United States is offering former Iraqi military

members the opportunity to settle in this country and thereby compete in the job market and receive benefits being offered to Americans and, most specifically, Americans who fought in uniform for this country in the Persian Gulf conflict.

This is an issue that is terribly troublesome all across our land today. I think it is imperative that the administration clarify its position, and that the Congress have an opportunity to express its views on that policy. That is the purpose of the amendment which I will at some point today send to the desk for printing, so that it will be available for other Members and the various departments and agencies for the Government for comment. I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I will yield to the Senator from Georgia, Senator NUNN.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Madam President, I would like to propound a unanimous-consent agreement to the pending amendment.

Madam President, let me describe it first, and then I will propound the unanimous consent.

What I would propose to do is to have a vote on or related to this amendment at 12:30, which means we would have the right to move to table if we so chose, with the time equally divided between now and 12:30 between the Senator from California and the Senator from Georgia but with 15 minutes of that time coming to the Senator from Pennsylvania. That would be the intent.

Mrs. BOXER. I am sorry. I did not hear the last part.

Mr. NUNN. We would basically be spliting the hour and 20 minutes between the Senator from California and the Senator from Georgia, but we would work out a way to yield half and half of that time to the Senator from Pennsylvania, 15 minutes.

Mrs. BOXER. I do not object.

Mr. NUNN. Madam President, then I propound a unanimous consent request that the vote occur on or in relation to Senator BOXER's pending amendment at 12:30 p.m.; that no intervening amendments be in order prior to disposition of the amendment; and the time between then and now be divided as follows: 15 minutes under Senator SPECTER's control; the remaining time to be equally divided under my control and under the control of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. NUNN. Madam President, I yield such time as the Senator from South Carolina may desire.

Mr. THURMOND. Madam President, the Armed Services Committee devoted an extraordinary amount of time and effort this year in hearings, research, interviews, visits to units in the field, and deliberations developing a policy on homosexuals in the military. The policy included in our bill and the accompanying language in the committee report is the result of thorough research and careful study after listening to many different views. The underlying premise of all our work was always to determine the best policy for our military forces which would not detract from readiness and overall military effectiveness. I am proud of the policy the committee reported to the Senate. It is very close to the President's recommended policy. In fact, the Department of Defense, the Department of Justice, and the White House have endorsed our policy. I oppose any move to modify or delete the policy.

This policy clearly sets out findings based on the testimony we heard during months of hearings. The policy is stated simply and succinctly.

The findings in the policy clearly state why homosexual conduct and military service are incompatible. The policy goes on to distinctly set out accession and separation policies. It is fair, easy to understand, and preserves unit cohesion and good order and discipline which will maintain military readiness.

Madam President, our hearings were comprehensive and, I believe, very objective. We listened to legal experts, social science experts, experts on foreign military policies, and Members of the Senate on both sides of the issue. We heard from DOD officials, the Joint Chiefs of Staff, and both homosexual and heterosexual service members of all ranks. The hearings were informative, interesting and, at times, shocking. Collectively, the hearings provided a full and complete review of the past policies and every imaginable variation of what the policy might be. The evidence guided the committee to the policy in our bill. It was clear to everyone in attendance that the Government has a legitimate interest in creating and maintaining the most effective and efficient military possible. Homosexual acts or the propensity to commit those acts are detrimental—I repeat—detrimental to an effective, efficient military. For that reason, we have formulated the legislation before the Senate today. It is noteworthy that the Secretary of Defense's working group and advisers came to a very similar conclusion after their own studies and deliberations.

Madam President, this debate began about this time last year when Senator METZENBAUM offered an amendment which would have established a prohibition on discrimination in the military based on sexual orientation. Senator NUNN agreed to conduct hearings this year. The issue surfaced again in the Presidential campaign and, as we all know, shortly after his inauguration, President Clinton issued an interim policy and directed the Department of Defense to recommend a policy by mid-July. In early February the Senate debated two amendments related to service of homosexuals in the military. The Senate Armed Services Committee began the hearings in late March.

The policy included in our bill is clear and straightforward. It is the culmination of a long, careful, thorough review.

Madam President, I urge my colleagues to support the policy concerning homosexuality in the Armed Forces as written in the bill and committee report and defeat any and all attempts to modify it.

Madam President, Senator COATS is a prominent and active and intelligent member of the Armed Services Committee, and he is a ranking member on the Force Requirements and Personnel Subcommittee.

Therefore, I am now going to turn to him to handle the rest of this matter during the debate, and he may allot as much time as he pleases to any one member or divide it to as many as he can to allow as many to speak as possible.

I now turn this matter over to Senator COATS, and he can now come over and take my place here.

Mrs. BOXER. Madam President, under the previous order, it is my understanding I would control approximately 30 minutes of time; is that correct?

The PRESIDING OFFICER. Thirty-two and one-half minutes.

Mrs. BOXER. I yield 5 minutes to the distinguished senior Senator from Illinois, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank you, Madam President, and I thank my colleague from California. I am pleased to support her amendment.

Real candidly, I think a brandnew President came in and did not handle this as well as it might have been handled. I think it would have been better if a commission were formed and you had General Powell and the Secretary of Defense and others there handling it, and it could have been handled more smoothly. But that does not get to the merits of the issue.

First of all, my own experience. I served in the Army. It has been quite a few years ago. It was in something that no longer exists called the Counter-intelligence Corps. Among other things, we had responsibility for screening people for security clearances.

At that point, anyone who was known as a homosexual wouldnot get a clearance for secret or top secret, but

nobody talked about kicking them out of the service—and you may agree or disagree. I happen to think at least at that point the security clearance question was a legitimate one, that people could through threats be forced to give classified information.

But, in World War I, in World War II, in the Korean war, in the Vietnamese war, people served whatever their background was, and we did reasonably well in all those periods.

There is this kind of fundamental rule that we ought to apply in politics no matter what the situation, and that is that discrimination is wrong in whatever form it takes.

Let me give you a hypothetical situation—and it is not that hypothetical. Let us say someone wants out of the service today and you cannot get out through the usual means and that person says, "I am gay; I want out." Do we just let people out because they say they are gay?

Well, it just seems to me we are creating all kinds of problems. Or let me pose a question to those who oppose this amendment. Let us say that we have—and I see my friend from Indiana here and maybe he would want to answer this question. Let us say that we have a national emergency and that we have a draft —and I would love to say we are never going to have that in the future, but I think we may—are we going to say that anyone who says "I am homosexual" is not going to be drafted? If we say that, let me tell you we are going to have a lot of gays in our society. You know, let us be realistic.

And then I have, in town meetings, people get up and say "What about the Bible?" It is interesting in the Bible you have a number of things condemned. I have not counted them. But they say adultery is condemned 40 times as often as homosexuality. Are we going to eliminate anyone from the service who commits adultery? My recollection from my Army time is that would dwindle our ranks appreciably.

I think we have to be realistic. I think people ought to be judged on their conduct, not their genes. And if people misbehave, whether they are heterosexual or homosexual, they ought to be disciplined. But to set up separate categories for people entering the service, I just do not think makes sense.

Are the American people that much different from the people in Canada, in Australia, in Germany, in France, in other countries where there is no such discrimination?

I do not think so. I think we ought to use common sense and I think the amendment offered by the Senator from California makes common sense. I am pleased to support it.

I yield back to her the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. May I inquire as to the time remaining on this side?

The PRESIDING OFFICER. There are 26 minutes remaining for opponents of the amendment, and 27 minutes and 11 seconds for the proponents.

Mr. COATS. Madam President, I know the Senator from California has two or three speakers waiting. We have some on the way. If she would like to go ahead and yield some additional time, we will pick it up and try to keep it equal after that.

Mrs. BOXER. I yield 5 minutes to the distinguished senior Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Madam President.

I rise to add my humble words of support to my colleague and friend, Senator BARBARA BOXER from California, and for the sense-of-the-Senate resolution that she has introduced today.

I do so, Madam President, because it is my belief that the code that is before us is really barking up an unconstitutional tree. This code is not "don't ask, don't tell." This code is "don't be."

And people cannot help what they are. Whether you are black or white, male or female, gay or straight, you are what you are. And the beauty of our country is that we function under a constitutional right to be what we are.

I am not a lawyer, but I have watched the law in this area. When I spoke on the floor some time ago, I mentioned a Federal court case in California which held that these laws were unconstitutional. Since then, there has been a new finding by a U.S. district court in Sacramento, CA. That finding was produced on August 30 of this year, just a few weeks ago. It is described in an editorial in the Sacramento Bee. I would like to quote, if I might, from that editorial and then enter the whole editorial for the RECORD.

It speaks about a ruling and says:

The ruling offers a glimpse of the legal morass the administration may face as challenges to the new policy are heard.

In his decision, (Federal Judge) Schwartz allows that military lives must be lived under special and strict rules. But, he writes, while "individual autonomy is not as great within the military community as it is within the larger civilian community, individual constitutional rights nevertheless remain intact."

The central questions the judge then considers are these: If the military is going to use its latitude to discriminate against a class of enlistees, can it prove it has good reason to do so? Is there a rational basis for treating them differently, or does the policy stem only from prejudice?

On that point, Madam President, I ask unanimous consent to have printed in the RECORD a whole list of statements from former military personnel who indeed say that it is prejudice, not policy, that prevails in any prohibition against being gay in the U.S. military.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY LEADERS SPEAK OUT IN FAVOR OF A NONDISCRIMINATION POLICY

Contrary to popular belief that the military is adamantly opposed to lifting the ban on lesbian, gay and bisexual servicemembers, a significant number of military leaders have expressed their support publicly and in letters to President Clinton and members of Congress. the following examples are representative, but hardly exhaustive.

Admiral William J. Crowe, Jr., U.S. Navy retired. "Arguments against allowing homosexuals in the armed forces are 'generated more by emotion than by reason' and the military could adjust to their presence just as it has to minorities and women." Washington Post, April 11, 1993.

General Barry Goldwater, U.S. Air Force, retired. "It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays.* * * We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order, or every member of his or her unit, but a good soldier will always follow orders—and in time, respect those who get the job done." Washington Post, June 10, 1993.

General Benjamin O. Davis, Jr., U.S. Air Force, retired. "When there is discrimination—it's the same as women in combat—it's all the same thing. They are related, you can't get away from it." Buffalo News, December 2, 1993.

Major General Vance Coleman, U.S. Army, retired. "In listening to the Congressmen, the Senators talk about this issue, I really don't understand. They talk about equality and that is not equality. Gays and lesbians can perform. There's no reason why they shouldn't be given the opportunity to perform.* * * It's the same arguments put forth with African Americans." MacNeil/Lehrer Newshour, March 29, 1993.

Brigadier General Evelyn P. Foote, U.S. Army. "We should clear the air once and for all, and permit people to be honest.* * * If you stigmatize a whole class of people, that's not appropriate leadership." San Francisco Chronicle, April 6, 1993.

Captain Lawrence Korb, U.S. Navy, retired. "In final analysis, the military exists to serve society and must be a reflection of that society.* * * Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution November 22, 1992.

Captain William K. Yates, U.S. Navy, retired. "Scientists are almost universally agreed that homosexuality is neither a choice or a disease. It is a matter of civil right and simple justice. * * * The morale and fighting effectiveness of the military will be undiminished." New London Day, June 2, 1993.

Colonel Karl Cropsey, U.S. Army, retired. "I can say without reservation that the military ban on gay and lesbian service personnel rests on prejudice and fear, not fact. * * * Like every soldier, gay men and women fought for America because we believe what this nation stands for—fairness, equal treatment under the law, civil justice. All we're asking for is the right to serve with dignity, nothing more, nothing less." Kansas City Star, May 30, 1993.

Colonel Ronald C. Anderson, U.S. Army, retired. "The ban on homosexuals in the military is blatant discrimination against good, dedicated, high-achieving soldiers who are just as ready to give their lives for our country as the next and who have no intention of breaching the military's discipline or code of justice." May 13, 1993 letter to Senate Armed Services Committee.

Chaplain (Colonel) Charles Dunlap Brown, U.S. Army, retired. "Gay and lesbian soldiers are not asking for special rights, only those rights and freedoms provided by our Constitution for all citizens. * * * The current policy of discrimination denies able bodied men and women the opportunity to serve our country and costs taxpayers millions of dollars each year." April 20, 1993 letter to President Clinton.

Colonel Sam J. Turnbull, U.S. Army, retired. "I served in several units that included both gays and lesbians. They were accepted by others in the unit because they performed their jobs well under competent leaders." June 10, 1993 letter to Members of Congress.

Colonel Richard A. Littlestone, U.S. Army, retired. "Suggested compromises of which we hear would confirm the status quo. It has not worked. The current policy is just plain wrong. Morale and effectiveness is hurt by it now!" June 12, 1993 letter to President Clinton.

Colonel Robert Guida, U.S. Army, retired. "Mr. President, we know you are under tremendous pressure to compromise on your commitment to lift the ban. We urge you not to vacillate at this critical juncture—you are right. We have led our Nation's troops in peacetime and war. Not withstanding some potential difficulties, we believe strongly that the military is more than capable of implementing such a policy. Troops are concerned fundamentally, and should be, with having leaders and soldiers who know their jobs. Competence and dedication are the issue, not sexual orientation." Letter to President Clinton, June 30, 1993.

Commander William R. Bryant, U.S. Navy, retired. "There is no genuine reason that gays cannot serve openly and effectively in our military forces. * * * Most gays simply want to be open and honest and to keep their private lives private, just like you and me. * * * There should be a clear set of rules for sexual conduct for both service men and women." May 16, 1993 letter to Senate Armed Services Committee.

Colonel William L. Hauser, U.S. Army, retired. "The problem is not status, but behavior, and the military can enforce rules of behavior." New York Times, April 4, 1993.

Commander Beth Coye, U.S. Navy, retired. "Remember the bottom line: Notwithstanding complexities involved in implementation, to lift the ban on gays and lesbians is right for the military and the country. * * * Only with clear direction and unwavering leadership will President-elect Clinton's vision be manifested * * * and will the healing begin." The Mail Tribune, January 10, 1993.

Lieutenant Colonel James R. Letchworth, U.S. Army, retired. "I knew many gays in the military during my twenty year career. They covered all enlisted and officer ranks and served with distinction and were an asset to the military." May 13, 1993 letter to a Senator.

Lieutenant Colonel Beverly L. Trevor, U.S. Army. "Your committee on lifting the ban contains the same ridiculous rhetoric I have heard for barring women from combat positions." May 13, 1993 letter to Sam Nunn.

Lieutenant Colonel Charles H. Mixon, U.S. Air Force, retired. "They are talented, reliable, tolerant and enthusiastic. In my experiences in * * * Europe, Korea, Vietnam, and in the Cold War, as a jet bomber pilot and commander, their performance has been flawless." International Herald Tribune, June 25, 1993.

Lieutenant Colonel Ken C. Williams, U.S. Army, retired. "Changing the policy will not degrade military effectiveness any more than integration of blacks did in 1948. Gays are Americans, and if physically and intellectually qualified, should be allowed to serve. * * *" May 12, 1993 letter to Campaign for Military Service.

Lieutenant Colonel Chuck Magness, U.S. Army, retired. "We're talking about discrimination against a class of people because of their status and I'm surprised that it's taken the president of the United States to teach us all the difference between status and behavior." CNN Newsmaker's Saturday, January 30, 1993.

Lieutenant Commander Timothy L. Davis, U.S. Navy. "The ban on gay men and lesbians in the military is silly. * * * Civil rights are like gun powder. You can't stop people from getting them." May 13, 1993 letter to Campaign for Military Service.

Major William Schneider, U.S. Army National Guard, retired. "We should be judged by our ability, our competence. Gay men and women are not a threat." Chicago Tribune, May 16, 1993.

Captain Michael Clarkson, U.S. Army. "I believe the integration of homosexual men and women in the armed forces is more a challenge to leadership and understanding than to discipline and morale." Gannett News Service, April 12, 1993.

Captain Thomas W. Ratliff, U.S. Air Force. "I would like you to realize that there are many members of the United States military who support ending the discriminatory ban on gays and lesbians from serving in the military." May 14, 1993 letter to Sam Nunn.

Lieutenant David Zeni, U.S. Navy, retired. "Having served on a 400 foot long nuclear submarine along side 135 men, I can report to you that sexual orientation was never an issue.* * *I am surprised at military leaders who fear that gay service personnel will be beaten, "fragged," and murdered. Are they saying that our military's command structure is so poor that no one has control of the troops? We have an expression in the Navy Community—it goes—'There are no bad ships in the Navy, only bad wardrooms.' This speaks to leadership." May 19, 1993 letter to Sen. J. Lieberman.

Lieutenant George Cooper, U.S. Navy, retired. Member of Golden Thirteen. "Ever since we've had a Navy, there've been gays in the Navy, and it has not ruined that Navy. Gays are in every aspect of this society, and they operate effectively. They operate just like anybody else. They operate just as well as blacks do. This is a part of living in our society today, and we have to accept it and find out ways to live with it. NPR February 24, 1993.

OTHER MILITARY LEADERS WHO HAVE EXPRESSED THEIR SUPPORT

(Prepared by Campaign for Military Service Legal/Policy Division)

General William Miranda, U.S. Army National Guard.

Brigadier General Lester L. Lyles, U.S. Air Force.

Rear Admiral Stanley S. Fine, U.S. Navy, retired.

Major General (Adjutant General) Donald W. Lynn, U.S. Army National Guard.

Colonel Lucian Truscott III, U.S. Army, retired.

Colonel Joseph B. Holt, U.S. Air Force, retired.

Colonel George W. Beddingfield, M.D., U.S. Air Force, retired.

Captain William R. Graner, U.S. Navy.

Captain Jim Bush, U.S. Navy.

Commander Gary N. Hess, U.S. Navy, retired.

Commander Hank Carde, U.S. Navy.

Lieutenant Colonel Glenn S. Harman, U.S. Air Force.

Lieutenant Colonel Nancy A. Russell, U.S. Army, retired.

Lieutenant Colonel Werner Braun, U.S. Army.

Lieutenant Colonel Leslie L. Smith, U.S. Air Force.

Lieutenant Colonel Gary E. Carpenter, U.S. Air Force, retired.

Major Linda Morey, U.S. Air Force, retired.

Major C.R. Meyers, U.S. Marine Corps.

Major Elbert C. Legion, U.S. Army, retired.

Major Paul Florentino, U.S. Air Force, retired.

Lieutenant Commander, John Norris, U.S. Navy.

Lieutenant Chris Chop, U.S. Navy.

Lieutenant Matthew Gloss, U.S. Navy.

Justice (Lieutenant) William S. White, U.S. Navy, retired. Member of Golden Thirteen.

Captain Gerald L. Rosanbalm, U.S. Army, retired.

Captain Michael McManus, U.S. Army Reserves.

Sergeant, Forest D. Holycross, U.S. Air Force, retired.

Sergeant, Patrick Arbec, U.S. Marine Corps.

Sergeant, Morton M. Kondracke, U.S. Army, retired.

Senior Chief Petty Officer Christopher Leach, retired.

Senior Chief Petty Officer John W. Kressley, U.S. Navy, retired.

Chief Petty Officer Steven R. Amidon, U.S. Navy.

Mrs. FEINSTEIN. Among these are Adm. William J. Crowe, Jr., U.S. Navy, retired, who says:

Arguments against allowing homosexuals in the armed forces are "generated more by emotion than by reason" and the military could adjust to their presence just as it has to minorities and women.

Gen. Barry Goldwater, U.S. Air Force, retired:

It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. . . . We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order, or every member of his or her unit, but a good soldier always follow orders—and in time, respect those who get the job done.

And this goes on with Capt. Lawrence Korb, U.S. Navy, retired; Col. Karl Cropsey, U.S. Army, retired; Col. Sam J. Turnbull, U.S. Army, retired; Comdr. William R. Bryant, U.S. Navy, retired; and on and on, in statements that say that gays can serve just as well as anyone and the thing that is a deterrent to their service is nothing but unbridled prejudice.

Let me go on with the finding of the court.

The central questions the judge asked, again, is whether the military is going to discriminate against a class of enlistees; if there is a rational basis for treating them differently.

Then the editorial goes on to say:

The military fails to convince the judge on all counts. While the Navy claims that homosexuals are a threat to morale, discipline, and unit cohesion, it offers no evidence to back up the claim. In fact, Schwartz cites Government documents that attest to the opposite. Three separate studies commissioned by the Department of Defense conclude either that the overall performance of gays and lesbians has been satisfactory or that there is no evidence to support the contention that homosexuality is incompatible with service. A 1992 General Accounting Office report concurs. And a 1990 Navy memorandum to its commanders reads * * *

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I ask Senator BOXER, may I have a few moments additional?

Mrs. BOXER. I have so little time, but I will yield to my colleague an extra 15 seconds so she can wrap up.

Mrs. FEINSTEIN. I thank the Senator.

The memorandum reads:

The stereotypical homosexual female in the Navy is hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals.

Madam President, I can only but object to a policy that is not only "don't ask, don't tell," but "don't be."

In my heart of hearts, I believe that it will be found to be unconstitutional. And I believe that the body of case law that will determine that is now being established in the two Federal court findings in the State of California which have held that the Armed Forces cannot discriminate because an individual happens to be gay or lesbian.

I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Sept. 3, 1993]

CHALLENGING THE GAY BAN

In a U.S. District Court decision handed down Monday in Sacramento, Judge Milton Schwartz issued a sharp indictment of the military's discriminatory ban on homosexuals and ordered the Navy to reinstate a sailor who was discharged in 1982 after he told his superiors he was gay.

Though the case dealt with a ban that the Clinton administration has since made marginally less strict, the judge's decision has implications for the president's new policy, which requires gay and lesbian members to keep quiet about their orientation and refrain from "homosexual conduct." The ruling offers a glimpse of the legal morass the administration may face as challenges to the new policy are heard.

In his decision, Schwartz allows that military lives must be lived under special and strict rules. But, he writes, while "individual autonomy is not as great within the military community as it is within the larger civilian community, individual constitutional rights nevertheless remain intact."

The central questions the judge then considers are these: If the military is going to use its latitude to discriminate against a class of enlistees, can it prove it has good reason to do so? Is there a rational basis for treating them differently, or does the policy stem only from prejudice?

The military fails to convince the judge on all counts. While the Navy claims that homosexuals are a threat to morale, discipline and unit cohesion, it offers no evidence to back up the claim. In fact, Schwartz cites government documents that attest to the opposite. Three separate studies commissioned by the Department of Defense conclude either that the overall performance of gays and lesbians has been satisfactory or that there is no evidence to support the contention that homosexuality is incompatible with service. A 1992 General Accounting Office report concurs. And a 1990 Navy memorandum to its commanders reads: "The stereotypical homosexual female in the Navy is hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals."

The judge is equally unconvinced by the Navy's argument that the policy is justified because it protects troops who would be made anxious by the presence of known homosexuals among them, even if the behavior of these homosexuals is disciplined. He writes: "Policies based on or motivated by the prejudice of one group toward another do not further any conceivable legitimate government interest and must be deemed irrational as a matter of law." Prejudice, he's saying, is not reason enough.

Though an 11-year legal battle for the defendant in this case, former Navy cryptographer Mel Dahl (who in the interim got a law degree and argued his own case), may have ended this week in Sacramento, the military's efforts to uphold a still-discriminatory policy looks to be only just beginning.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska?

Mr. COATS. Madam President, let me again see if I can get a handle here on the time remaining.

The PRESIDING OFFICER. There are 26 minutes remaining for opponents, controlled by the Senator from Georgia, for opponents to the amendment.

Mr. EXON. If I could have the attention of the Senator from Georgia, I believe he is about to announce he will yield me 3 minutes?

Mr. NUNN. I will be glad to yield to the Senator from Nebraska 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia has yielded 3 minutes to the Senator from Nebraska.

Mr. EXON. Madam President, I had hoped this amendment would not come up. Certainly those who are offering the amendment have every right to do so. I am pleased a time agreement has been entered into and we will vote on this shortly.

I certainly hope that the Senate will recognize that the Armed Services Committee has put in a great amount of time and effort on this matter and come to what I think is the best possible compromise under the circumstances.

There have been some statements made on the floor of the Senate this morning that I would like to briefly refute. First, the compromise that has been agreed to and codified into law under the armed services authorization bill before us is in total compliance with the final decision of the President of the United States. The Armed Services Committee is walking in lockstep now with the position of the administration on this matter, after the administration had changed, somewhat, its earlier pronouncements on this matter.

Also, it has been indicated that the Armed Services Committee has not been sensitive to what I think are some of the legitimate complaints about the military with regard to women. I thank Senator BOXER, the Senator from California, the sponsor of this amendment, who, I believe, said earlier in remarks on the floor of the Senate that she saluted and thanked the Armed Services Committee for the important role that we played in the Tailhook scandal, which was a scandal. The Armed Services Committee is not deaf to the legitimate complaints that have been raised. Therefore, I come to the defense of the Armed Services Committee, those on both sides of the aisle, if anyone thinks we have been insensitive to all these matters.

We have held some rather lengthy hearings. If there are statements made on the floor of the Senate that there has been no documentation of some of the problems that open homosexual activity could bring to the armed services and national security interests of the United States, anyone making those kinds of statements simply did not hear or read or know anything about the extensive hearings that we held in the Armed Services Committee.

While this debate is in order, I hope that we will recognize a great deal of time, effort, and testimony on both sides of this controversial issue have been recognized and listened to by the Armed Services Committee. The Armed Services Committee overwhelmingly has come out with what we think is a workable compromise, as imperfect as it might be. I hope at the proper time we will lay this matter to rest, either by a tablingmotion on the amendment offered by the Senator from California, or if it comes to an up-or-down vote, I hope the Senate will have the wisdom to lay this matter to rest once and for all as outlined in the thoughtful addressing of this problem that has been given by the Armed Services Committee of the U.S. Senate.

I yield back my time and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from California.

Mrs. BOXER. I yield 10 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Madam President, leadership is inspiring people to be their own best selves. I support the Boxer amendment because I believe that our approval of the policy in this bill would not meet that definition of leadership.

I am an American Jew, and I know that I would be deeply offended if there was a policy adopted that essentially said that if I was to say to a friend of mine that I was a Jew, I could lose my job, my place of employment. I think what we are trying to codify is the functional equivalent of that, and I think it is truly appalling.

I heard my colleague from Nebraska, whom I respect very much, talk about the deliberations of the Armed Services Committee. I am not here to attack the committee, but I am here to say that there was only one independent outside study. The Department of Defense spent $1.3 million on a Rand Corp. multidisciplinary study: A whole array of experts, focus groups, a study in our country, a study of other countries' policies as well. And after very careful deliberation—and I think it is interesting that not until very late in the game did we really have the opportunity to view this study, despite repeated requests to the Pentagon. The Rand Corp. concluded that "There is no empirical research that supports the contention that homosexuality is incompatible with military service."

Madam President, I ask unanimous consent to have printed in the RECORD at the end of my statement the executive summary of this study.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. I hope my colleagues will carefully read this, maybe not under the light of the cameras, in a calmer atmosphere free of the fear of the 30-second attack ads, and take this analysis to heart.

Rather than adopting a policy which is historically informed and forward looking, we choose to know what we want to know and we completely ignore the one independent study commissioned by the Pentagon that says we should end the ban and that this could be done without harm to military discipline or morale.

We are today about to codify a policy based on fear and based on prejudice. It is a policy that does not look forward, it looks backward. And it fails to ensure equal protection of the law. It does not meet the most basic standards of justice, or of nondiscrimination. And it does not meet the standard of equalprotection under the law.

Let us be clear. After all the debate points are made and all the fine legal distinctions are drawn out, when all is said and done, the bottom line remains: This codification is a major step backward in our march toward nondiscrimination and equal protection for each and every American. And let there be no mistake: This codification is in fact more restrictive than the Executive order. It seriously weakens the don't ask prohibition in the President's Executive order for those entering the service by giving additional discretion to the Secretary to make changes in the policy as he sees fit.

It removes the requirement in the President's proposal for equal and evenhanded application of the Uniform Code of Military Justice, essentially ensuring that this code will continue to be selectively enforced against gay and lesbian persons.

It leaves effectively unchanged the language which suggests that homosexual orientation is incompatible with military service, by saying that those with a propensity to engage in homosexual conduct, defined by this policy to include even a simple public acknowledgment of one's sexual orientation, represents an unacceptable risk to military effectiveness.

This policy reduces a group of citizens, men and women, to categories, to stereotypes, and it relegates them to lesser treatment under the law. I am disappointed and saddened by this, because when any among us are so diminished, we are all diminished.

I do not think you can compromise on extending basic civil rights to all our citizens. I do not think you can split the difference on a matter of principle. The only standard that ought to be set is the standard of conduct, and we should have the strictest standard of conduct.

Madam President, whatever happened to Martin Luther King's appeal to the Nation that we should judge people by the content of their character? Is that what we are doing with the codification of this policy?

By adopting this pollicy, we put gay and lesbian people in an incredibly difficult position. We present them with a Hobson's choice: Refuse to acknowledge their orientation, lie about it so that they can stay in the armed services, or tell the truth and be discharged for telling the truth.

If there is anything that will erode the honor and integrity and the esprit de corps of the military it is a policy which prevents people from staying in the military unless they lie about it when asked by their colleagues or commanders.

This is a completely untenable position to put people in as Federal policy. The U.S. Senate should not endorse such a policy.

Madam President, after all the agonizing and haranguing and worrying over minor details, let me be crystal clear: This policy has overlooked—I say this to my lawyer friends—one basic principle enshrined in the Constitution: Equal protection under the law. Nondiscrimination against any group of citizens. That is the issue before us. It is straightforward: Will gay and lesbian persons in this country be given equal protection against discrimination?

As the President once said, we should not discriminate against people because of who they are. Rather, the issue is what they do. Sexual orientation is no basis for action against our servicepeople. Sexual misconduct is, whether by homosexual or heterosexual members of our Armed Forces, and the rules on such misconduct should be enforced fairly and evenhandedly.

Madam President, this policy provided a test of the fundamental right of Americans to live in a society regardless of differences in race, creed, color or sexual orientation. We have failed miserably in that test. We have failed to uphold our most precious values of equality, of justice, of fair play, and equal protection. We have abandoned our commitment to an entire group of men and women, of citizens in our country who will remain essentially unprotected against discrimination by Federal law. This policy is a pale shadow of the President's earlier promise to lift the ban.

Madam President, there are men and women who are gay and lesbian who work for U.S. Senators and work for U.S. Representatives, and they work for us with honor. Many do a brilliant job in their work, and we all know it. It must be very painful for them to see us moving toward codifying this policy which treats certain people as less than fully human. And the same is true for virtually every major institution in our Nation.

I would say to those men and women who work right here in this institution, I cannot answer what surely must be your question: Why should not the Government, why should not the Armed Forces be leading the way in ending discrimination? Why should we not be lighting a candle? We can do much better than this.

Madam President, I say to my colleagues, we can do better. And I say to my colleagues, if not today, if not tomorrow, as I look at our country and I look at the march toward ending discrimination and toward treating people with dignity and respect and sensitivity, there will come a day where we will end the ban. There will come a day when there is civil rights protection for all citizens, and there will come a day when the United States of America is all that she can be. I am saddened and angry that day is not yet here. I urge my colleagues to oppose codifying this new policy and to support the Boxer amendment.

EXHIBIT 1

1. SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: POLICY OPTIONS AND ASSESSMENT—STUDY OVERVIEW

INTRODUCTION

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit * * * prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that the recommendation by the Secretary be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1] In issuing his directive, the President was acting on a campaign pledge to end the prohibition on homosexuals serving in the United States military. Changing policy to permit homosexuals to serve is controversial, and the change is opposed by many in the public and in Congress. The Chairman of the Joint Chiefs of Staff and other senior military leaders have indicated that they believe permitting known homosexuals to serve in the military would undermine unit cohesion and performance.

A series of Congressional hearings, held during the spring of 1993, revealed a broad range of opinion on the subject. Many senior military officials, such as retired Army General Norman Schwarzkopf, stated that they believed current policy banning homosexuals should remain unchanged. Other current and former members of the military supported permitting homosexuals to serve. Expert witnesses and social scientists voiced divided opinions on the issue.

The absence of a political consensus, in Congress or in the country as a whole, combined with divided expert opinion and conflicting views among military personnel, makes the search for an acceptable solution difficult. The Secretary of Defense subsequently asked RAND to provideinformation and analysis that would be useful in helping formulate the required draft Executive Order.

Study Approach

RAND's National Defense Research Institute initiated this effort on April 1, 1993. An interdisciplinary team of researchers considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited military organizations in seven foreign countries and police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of African-Americans and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion data and the data concerning the views of current active-duty military personnel. It also reviewed the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals with implementing change in large organizations. This chapter brings together the results of the team's research, which is reported more fully in subsequent chapters of the report.

The "Not Germane"/Conduct-Based Policy

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be inconsistent with the President's memorandum, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research and the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults. This policy option is described in greater detail later in this overview.

Introducing a change of this type in the military requires careful attention to implementation issues. The prevailing attitudes of both the leadership and many military personnel are hostile to any change. Based on the historical experiences of adaptation to change in the military and the research literature on change in large organizations, several key elements of an implementation strategy are identified and discussed.

This overview synthesizes the results of the RAND research and functions as a "road map" to the chapters and appendixes that follow. It begins with a review of the history of U.S. military policy toward homosexuals and of the applicable provisions in DoD regulations and military law that have restricted homosexuals from serving.

U.S. MILITARY POLICY ON HOMOSEXUALITY AND SODOMY

Since World War I, homosexuals have been restricted from serving in the Armed Forces of the United States through either personnel regulations or the application of the sodomy provisions of military law. Sodomy was defined as anal or oral sex between men or between a man and a woman. At the end of World War II, the legal definition was changed to include sexual relations between women as well.

Homosexuality and the Military, 1916 to 1940

Early attempts to regulate homosexual behaviors within the Armed Forces were sporadic and inchoate. The Articles of War of 1916 went into effect on 1 March 1917. As the first complete revision of military law in over 100 years, this new codification was the first legal document to address the incidence of sodomy within the military population. The first mention of sodomy in military law was in Article 93, which prohibited assault with the intent to commit sodomy.[2] In their 1920 revision, the Articles of War included sodomy as a separate offense.[3] This statute did not change until 1951.

Between the two World Wars, the military attempted to screen and exclude homosexuals from service by utilizing contemporary biological theories about the causes and manifestations of homosexuality. In 1921, for example, the Army's "stigmata of degeneration" included men who appeared overly feminine, with sloping shoulders, broad hips, and an absence of secondary sex characteristics, including facial and body hair. Also among the exclusion criteria was the degenerative characteristic of "sexual psychopathy," which included sexual relations between men.[4]

During the interwar period the military discharged homosexuals administratively more frequently than they formally court-martialed them, despite the official stance that sodomists had to be court-martialed under the Articles of War. Individuals suspected of homosexual acts were released under a "Section VIII" discharge for unsuitability. While in theory these could be honorable discharges, in cases of psychopathic behavior, the discharge was normally less-than-honorable, or "blue."

World War II: 1941 to 1946

In an attempt to rationalize policy concerning homosexuals in the months preceding America's entry into World War II, the Army Judge Advocate General tried to assess how existing policy was being applied in the field. In the absence of aggravating factors, the Army removed most sodomists from service through administrative proceedings. Court-martial was indicated, however, in those cases where force was employed, when minors were involved, or when the sexual partner was incapable of consent due to intoxication or other impairing condition.

During World War II, a lively debate took place among military authorities concerning the policies and practices regulating homosexual activity and the exclusion of homosexuals in the Armed Forces. Within the Army alone, for example, there were twenty-four separate revisions of regulations concerning homosexuality between 1941 and 1945, compared with eleven revisions before the war and seventeen between the end of the war and the passage of the Uniform Code of Military Justice in 1950. This debate had several causes. First, there was widespread variance in the treatment of individual cases within the military. Second, military authorities seemed increasingly willing to consult with and accept the recommendations of medical and psychiatric personnel with regard to homosexuals. The American Psychiatric Association's Military Mobilization Committee helped develop the procedures that would be used to evaluate the more than 18 million men who would be examined for induction during the course of the war. By the beginning of the war, Army and Navy Departments, along with Selective Service, had determined that overt homosexual behavior could be used to deny entry into the military.[5]

During World War II, the prewar practice of separating homosexuals from service through the use of the administrative discharge was continued and articulated as part of Army regulations. By the end of the war, military policy concerning homosexuality had undergone several important changes. First and most important, the "homosexual" had replaced the "sodomist" as the focal point of legal concern, although the criminal aspects of same-sex behaviors had been neither eliminated nor elucidated in any clear manner. People who engaged in same-sex behaviors could be separated from the service through their resignation or by administrative discharge. Even if no sexual activity had occurred, a growing body of policy supported the view that a homosexualpersonality could readily be identified, and that such persons were to be barred from military service at induction or separated from the service upon discovery.

[1] Footnotes at end of article.

The Cold War Era: 1946 to 1956

Immediately after the war, in 1946, the Army liberalized policies toward homosexual personnel by increasing the likelihood of their receiving an honorable discharge (AR 615-360). Attitudes shifted soon afterward, however, and, in 1948, the provision for honorable discharge was deleted.[2] On October 11, 1949, the Department of Defense issued a memorandum that unified military policy toward homosexual behavior:

"Homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Services in any capacity, and prompt separation of known homosexuals from the Armed Forces be made mandatory."

The Eisenhower Administration, with the signing of Executive Order 10450 in 1953, codified "sexual perversion" as grounds for dismissal from federal jobs. By some estimates, dismissals from federal employment increased tenfold. In the military, the number of discharges for homosexuality remained about the same as it had been during World War II—roughly 2000 per year—but from the much smaller post-war force of 1.4 million. The rate of discharge in the military, therefore, was also approximately ten times greater than it had been during the war.[7]

The Military and Homosexuality in the 1960s and 1970s

Within the military, the separation of homosexuals proceeded unchallenged throughout the late 1950s and early 1960s. DoD policy was revised in 1959, with the issuance of the first version of DoD Directive 1332.14 on the subject of Administrative Discharges. Section VII.I of that directive indicated that among the reasons for discharge for "unfitness" was "sexual perversion," including homosexual acts and sodomy. This remained the policy of the Department throughout the 1960s. (When Directive 1332.14 was revised in 1975, the language was slightly altered to describe "homosexual acts or other aberrant sexual tendencies" as the grounds for determining unsuitability for military service—section G.3).

The 1965 DoD directive revised the regulations surrounding the separation of homosexual personnel. Members facing a less-than-honorable discharge were allowed the chance to present their cases before administrative discharge boards and to be represented by counsel. By liberalizing the rights of service members, the 1965 separation directives marked a turning point in the legal history of homosexuals in the services. Before the 1965 directive, most service members accused of homosexuality cooperated without protest in order to protect others or to avoid more severe punishment.[8] Inconsistency in the standards, in the documentation required, and in administrative procedures, however, led to a review during the Carter Administration of the policy and procedures for discharge.[9]

The results of the review were reflected in the new edition of DoD Directive 1332.14, issued on January 16, 1981. In a memorandum accompanying the new directive, outgoing Deputy Secretary of Defense Graham Claytor, noting that his revision "contains no change in policy," explained that the enclosure on homosexuality (a new Enclosure 8 to the 1976 version of Directive 1332.14) had been completely revised. Thepurpose of the new enclosure was to make it clear that, based on an investigative finding that a person "engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act," discharge was mandatory.

The revised enclosure in 1981 also for the first time stated that "Homosexuality is incompatible with military service" and provided the following explanation for the exclusion of homosexuals:

"The presence of such members [homosexuals] adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security."

The revision also affected policy on discharges by making it clear that homosexuality alone did not require a misconduct discharge. In the absence of other actions (such as violence), the discharge could be under honorable conditions. As promulgated by Deputy Secretary Claytor, DoD Directive 1332.14 and its provisions concerning homosexuality remained the policy governing enlisted separations until January 1993. (Directive 1332.14 was reissued in 1982 and the enclosure regulating homosexuality is now numbered 3H, but the language remained unchanged. Identical language in a separate directive governs officer personnel.)

The Recent Past: 1981 to 1991

The armed services' policies concerning the exclusion and separation of homosexual personnel came under increasing legal challenges after the new DoD policies went into effect in 1981: among the most publicized were *Secora v. Fox, Pruitt v. Cheney, Steffan v. Cheney and Watkins v. United States Army*. In each case, different aspects of the new regulations were contested in federal court.

Between 1980 and 1991, according to a report compiled by the General Accounting Office, there were 16,919 discharges for homosexuality within the Armed Services. These discharges comprised 1.7 percent of all involuntary discharges in the Department of Defense for this period.[10] Like all involuntary separations during these years, the numbers of homosexual-related discharges peaked in 1982 and declined for the remainder of the decade. On average, however, over 1,400 service personnel were separated for homosexuality per year.

Military Law: Homosexuality and Sodomy

The sodomy provisions of the Uniform Code of Military Justice (UCMJ, Article 125) have also been used as the basis for removing homosexuals from the service. Some have argued that a policy allowing homosexuals to serve would be inconsistent with this provision of military law.[11] In fact, DoD Directive 1332.14 and Article 125 of the UCMJ do not use the same definition or standard, nor do they attempt to regulate precisely the same behaviors. Directive 1332.14 defines a homosexual as one who engages in or desires to or intends to engage in homosexual acts. These acts, in turn, are described as "bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires."

A review of the research on sexual behavior suggests that there are many people who call themselves heterosexual, and who are predominantly heterosexual in behavior, who also engage in homosexual acts.[12] Some may experiment with homosexual behavior once or twice. Others may occasionally act on their attraction to people of the same sex, even if they call themselves heterosexual. Still others may recognize their attraction to others of the same gender, but they establish a heterosexual public persona and refrain from acting on these attractions or revealing their orientation to others. Finally, there are people who consider themselves to be "homosexual" or "bisexual" who, for whatever reasons (e.g., health concerns, religious convictions, or simply lack of opportunity), refrain from homosexual activities.

Article 125 of the Uniform Code of Military Justice states that a person engaging in "unnatural carnal copulation" with members of the same or opposite sex is guilty of sodomy. The UCMJ does not define what is meant by "unnatural" carnal copulation in statutory language. This definition is left to the explanation provided in the Manual for Courts Martial (MCM), where the proscribed behavior is defined as oral or anal sex (or sex with an animal). The distinctions between the two regulations governing the sexual behavior of military personnel can be summarized as follows: the DoD directive forbids virtually any type of homosexual conduct; the UCMJ forbids a narrower set of behaviors, regardless of whether they are performed by homosexuals or heterosexuals.

Under military law, the act itself is forbidden under all circumstances, regardless of the nature of the partners to the act. Consequently, heterosexual sodomy is proscribed as well as homosexual sodomy. Contemporary surveys indicate that oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced by both homosexuals and heterosexuals.[13]

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the RAND team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive for assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of theAmerican military were also studied for potentially instructive insights.

The Experience of Foreign Militaries[14]

Policy toward homosexuals serving in the military varies widely among countries. Several countries were selected, representing the range of policies toward homosexuals from affirmative advocacy of homosexual rights (the Netherlands) to a ban on service similar to the current U.S. policy (United Kingdom). In addition, researchers visited Canada, France, Germany, Israel, and Norway. In each country researchers interviewed key government officials and, where possible, held discussions with other experts and observers. In some instances, the findings and conclusions reported here (and by the General Accounting Office in its June 1993 report) appear to be at variance with testimony before the Senate Armed Services Committee and with often-recited, commonly held opinion about foreign practices.[15] Every effort was made to elicit from the foreign governmental officials their explanation for these discrepancies.

Each of the militaries visited exists within and reflects its own society and culture, and policies vary accordingly. France, Germany, Israel, the Netherlands, and Norway have conscript forces. Norway essentially trains recruits to serve as a militia that can be mobilized for territorial defense should future situations require it. Norway also contributes forces to international peacekeeping

missions. The Netherlands is changing policy to end conscription and will rely on a volunteer force in the future. Both Norway and the Netherlands follow a nondiscrimination policy with respect to homosexuals serving.

The French policy on homosexuals is not to have an official policy. Unofficially, the issue of homosexuality is dealt with in the general category of medical/psychological issues. Homosexual status is not automatically disqualifying for conscription, but in practice homosexuals are excused from service if they so desire. Among the career force, flagrant homosexual conduct can be the proximate but unofficial cause for separation. In general, the French approach is that private sexual conduct is not relevant to performance of military duties.

Israel, like these European countries, relies on conscription, although in Israel's case the term of service is longer (36 months vs. an average of 10 months in Europe). Like Norway, the ethic in Israel is that all should serve and everyone should remain available for mobilization to defend the country, but Israel goes beyond that purely military notion to include the use of military service as an instrument of national socialization. It is an obligation and a duty to serve in the Israeli military, and the ethic is thus one of inclusion rather than exclusion—the Israeli military will make every effort to permit recruits to serve, accepting some who might otherwise be disqualified on purely military grounds.

Israel has recently (June 11, 1993) reaffirmed its policy of nondiscrimination, removed the requirement that homosexuals undergo a mental examination, and no longer automatically prohibits them from holding top-level security clearances. Israeli officials directly refuted the commonly made assertion that homosexual men are not permitted to serve in combat units, or are treated like women and given clerical jobs and allowed to live at home, stating that all such decisions are made on a case-by-case basis. The recently issued standing order makes it clear that no automatic restrictions will apply to homosexuals and that all members of the force will be judged by the same criteria. Because of the ethic of inclusion in the Israeli military and the concept of citizen-soldier that guides Israeli service, there is a well-developed system of support from counselors, psychologists, and social workers to assist military leaders in dealing with service members' problems of adjustment to military service.

Like the United States, Canada and the United Kingdom do not rely on conscription. Canada maintains a relatively small military that, in addition to its NATO responsibilities, is oriented primarily toward therole of international peacekeeper. In late 1992, Canada's policy was changed to eliminate the ban on homosexuals serving in its military, following court rulings that prohibited discrimination on the basis of sexual orientation in all areas of federal jurisdiction. The Canadian Forces then implemented a new policy that permitted acknowledged homosexuals to serve while prohibiting inappropriate sexual misconduct and personal harassment by all service members.[16] this new policy received strong endorsement and support from the leadership of the Canadian Forces. Thus far, the Canadian Forces report no detrimental effects resulting from the policy change.

The United Kingdom remains the only country of those visited to retain an absolute ban on homosexuals serving. It is the only country visited that will conduct investigations of alleged homosexuality and will expel known homosexuals from the service.

In all the countries visited, sodomy has been decriminalized in the civil law. The military law then followed suit in all countries other than Britain, where the Queen's Regulations still forbid homosexual acts. Even in Britain, however, the policy in practice is to expel homosexuals under provisions of a general administrative discharge, not to charge them with a violation of military law.

Like Britain, Germany will exclude known homosexuals from service. For homosexuals already in the military, German policy tends to be more variable. Conscripts are likely to be expelled if discovered to be homosexual. (Since Germany does not actively investigate these matters, discovery would almost always be associated with an actual incident of conduct, an adjustment problem, or a self-declaration.) In the professional force, an individual who has served less than four years may be expelled, depending on other factors. Individuals would not automatically be expelled if other factors indicated satisfactory performance on the job. After four years of service, the individual almost certainly would not be separated, although it is very possible he would be transferred to a job that is not in a "leadership" position. In Germany these decisions, which are infrequent, are made on an individual basis, and the outcome depends on a variety of factors. Indeed, the best summary characterization of German policy in this regard is the frequently heard explanation "it depends."

While it is generally accepted that homosexuals serve in all of the militaries examined for this study, few serve openly (and none, of course, can be open in the United Kingdom). RAND researchers were frequently told that if a meeting on this subject had not been requested by the visiting Americans, there would be no occasion to have a meeting to discuss the issue. Despite tolerance for homosexuality in the society and the decriminalization of homosexual acts, in none of these societies is homosexuality widely accepted by a majority of the population.[17] (The trend in society at large, however, is toward the expansion of legal rights of homosexuals.) In the Netherlands, easily the most tolerant and encouraging environment for homosexuals to serve, fewer than 1 percent of the men in the Dutch military identified themselves as "predominantly homosexual" on a questionnaire; 3.5 percent of women indicated that they were homosexual; and 4.8 percent of the men stated that they had had homosexual experiences at some time in their lives.

In four of the countries that have policies of complete nondiscrimination (Canada, Israel, the Netherlands, and Norway), no serious problems were reported concerning the presence of homosexuals in the force. While an occasional episode of ridicule or violence has occurred (reported mainly in Norway), these incidents have been sufficiently infrequent that no special measures were taken to prevent future incidents. In Canada, since the ban was lifted in 1992, no member of the Canadian Forces has declared himself or herself to be homosexual, and no incidents of violence against homosexuals or disruption in units have been reported. In the Netherlands, no serious problems have been reported. No effects on recruitment or retention were identified in these militaries.

Generally, the pattern in each of these organizations is to deal with homosexuals as individuals, treating any issues or difficulties that arise on a case-by-case basis. The Netherlands departs from this standard in providing sensitivity training for troops and making active efforts to ensure that homosexuals are integrated into the force. The affirmative action policies and the special status thus accorded to homosexuals as a category distinguish policy in the Netherlands from that in the other countries examined.

None of the militaries studied for this report believe their effectiveness as an organization has been impaired or reduced as a result of the inclusion of homosexuals. With the exception of the Netherlands, no special resources have been expended or programs created to deal with the presence of homosexuals. The Dutch assessment of their own policy has led to the conclusion that the program of promoting open acceptance has not been as successful as they desired. While each of these militaries has a different role to play in its social context, the key finding is that, in all cases where a decision has been made to include homosexuals in the force, the organization's leaders believe that the force's organizational performance is unaffected by that presence.

The Experience of Domestic Fire and Police Departments[18]

Unlike the foreign militaries, domestic police and fire departments function in the American cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length. Police officers and firefighters return to their homes after periods on duty; they often train and work in smaller units than the military; and they interact with the community at large to a much greater degree—indeed, as a central aspect of the job.

RAND researchers visited six U.S. cities that have policies of nondiscrimination in place: Chicago, Houston, Los Angeles, New York, San Diego, and Seattle. They focused on two main issues: (1) What were the behavioral responses at the individual level of both homosexuals and heterosexuals to the presence on the force of homosexuals? (2) What were the organizational strategies and polices put into place to implement the nondiscrimination policies? Geographic distribution was sought, and cities with atypical cultural climates with respect to homosexuals (e.g., San Francisco) were excluded. Cooperation from the local departments was generally good, although in Houston the police department and in Los Angeles the fire department declined to participate in the research effort. In addition to review of relevant documents and newspaper articles, RAND researchers also interviewed high-ranking leaders, personnel and equal opportunity officers, trainers, unit commanders, recruiters, and counselors. They also interviewed heterosexual rank-and-file members of the force and homosexual members, both alone and in groups ranging in size from three to twenty.

Based on the assessments of the experience in these six cities, it is possible to make some generalizations about the likely behaviors of homosexual members of the force. Virtually all homosexuals who join police and fire departments conform to the norms

and customs of the organization they are joining. These individuals do not fit stereotypes that are inconsistent with the organization—those who join police departments, for example, wish to be "cops," not "homosexual cops." Homosexuals (male and female) declare their homosexuality gradually, and the numbers remain small (see Table 1-1), despite the existence of policies that codify their right to serve.

TABLE 1-1.—NUMBERS AND PERCENTAGES OF OPEN HOMOSEXUALS IN SELECTED POLICE AND FIRE DEPARTMENTS

Institution and city	Total force size	Number of open known homosexuals	Estimated prevalence (percent)
Police:			
Chicago	12,209	7	0.06
Houston	4,100	0	
Los Angeles	7,700	7	.09
New York	28,000	−100	.36
San Diego	1,300	4–5	.25
Seattle	1,300	2	.15
Fire:			
Chicago	4,700	0	
Houston	2,900	0	
Los Angeles	3,200	0	
New York	11,300	0	
San Diego[1]	845	1	.12
Seattle[1]	975	5	.51

[1] All openly homosexual firefighters in these cities were women.

Many more homosexuals were known to each other and to their colleagues than were known to their departments. Some of these individuals were members of confidential homosexual fraternal organizations. In one department, for instance, only seven individuals were known to the department, but more than forty belonged to a homosexual fraternal organization of department members. Moreover, in every city, homosexual officers knew of other homosexual members of the force who had opted not to join such groups, either for fear of being identified as homosexual or for lack of interest.

The number who publicly acknowledge their homosexuality and the pace at which they do it are strongly influenced by the perceived tolerance or hostility of the organizational environment, both in terms of leadership policies and attitudes and in terms of the attitudes and behaviors of fellow members of the force. Anti-homosexual attitudes are widespread within these organizations, and the process of making one's sexual orientation known is thus self-regulating to a large extent. Even in New York City, where the number of homosexuals on the force is highest and where the climate is generally more tolerant than in the other cities visited, fewer than half of the homosexuals belonging to the Gay Officers Action League are known to be homosexual by their supervisors or by the department.

Because of the general desire to conform to the norms of the organization and to "prove one's worth" as a member of the organization, homosexuals seldom engage in behaviors that challenge those norms or that are designed to shock or offend fellow members of the organization. Just as the process of making one's sexual orientation know is self-regulating, most other behaviors also conform to general expectations. Not a single case of an acknowledged homosexual male sexually harassing a heterosexual male was reported. Occasional hearsay reports, usually by commanding officers, were offered of homosexual woman harassing heterosexual woman, but these, too, were recognized as being rate, for less frequent than incidents of heterosexual men harassing woman.

Heterosexual members of these departments often voice sentiments hostile to homosexuals. These opinions did not necessarily result in overly hostile behavior. Some people reported that their opinion of homosexuals shifted after having served with them: Usually the homosexual officer had been know first in the role of policeman or policewoman, and only later as homosexual. Some instances of homosexual officers facing ostracism or being "framed" by fellow officers (e.g., planting false, incriminating evidence) were reported. While this was not a universal experience, it is not unheard of and concerns the leadership of the departments. Acknowledged homosexual members of the departments felt that they had generally been able to manage the hostility, especially if the decision to be open about their sexual orientation was their own. Those who had been exposed as homosexuals by others often experienced more difficulty.

Heterosexuals often voice a fear of AIDS, and the fear is often based on views that would not be supported by scientific data on the nature of the disease and the mechanisms for its transmission. Such attitudes have not been eliminated despite educational efforts regarding the disease. Notwithstanding the presence of concerns or fears over AIDS, no actual incidents where officers refused to work with or come to the aid of a homosexual colleague were reported to the research team.

Among heterosexuals there is widespread fear that homosexuals will be given special treatment or that efforts will be made to "educate" heterosexuals and change the attitudes toward homosexuals. Sensitivity training, special programs for homosexuals, or elements of affirmative action aimed at homosexuals foster deep resentments among the heterosexual members of these departments. Leaders emphasized the importance of controlling behaviors, not attitudes. It is possible for heterosexuals to work with a homosexual, but to ask them to alter fundamental moral or religious beliefs about homosexuality is to ask too much.

The departments visited report that, overall, the effectiveness of the organization has not been diminished by the presence of homosexuals on the force. Morale and discipline have been maintained, and recruitment and retention rates appear to be unaffected by the presence of known homosexuals in the department. Very few formal complaints of harassment are lodged, due in part to the relative rarity of such events but due also to the strong norms in these organizations to work out problems at the unit level—good cops do not "rate" on their fellows, and good units do not expose their problems to outsiders.

In order for a nondiscrimination policy to be implemented effectively, leaders in these departments suggested that the message that a new policy was in place needed to be clear and simple, and it needed to be communicated and enforced consistently. Since anti-homosexual attitudes are present among the rank and file and since sensitivity training and similar programs usually provoke resentment rather than tolerance, the emphasis on training is more successfully focused on leaders. Strict standards of professional conduct and behavior are important. Likewise, it was felt that education on the issues related to AIDS could be effective in helping to overcome some of the fears expressed by heterosexuals.

A final observation on implementation that applied to all departments studied is that the process of implementation unfolds gradually. Homosexuals reveal their sexual orientation over time, in a process calibrated in part to the perceived readiness of the organization to tolerate open acknowledgment. The organizational tolerance, in turn, evolves over time partially in response to the behavior of the members. Because the number of open homosexuals remains small, both as a percentage of the total force and as a percentage ofthe total number of homosexuals on the force, there is little need for policies "regulating" the behavior of acknowledged homosexuals on the force—the behaviors are self-regulating. The self-regulating and evolutionary nature of the process provides time for organizations to adapt to members as well as for members to expand, in a gradual fashion, the boundaries of the organization's tolerance.

The History of Racial Integration in the United States Military[19]

Our review of the military's experience with integrating blacks and women shows that racial integration is the more applicable analogy: women are still largely excluded from combat and, therefore, in a very fundamental way, are treated as a special class. The process of racial integration, begun in the late 1940s, required many years of effort in order to achieve the relatively successfully integrated fighting force of today. While a decision to permit homosexuals to serve is not directly comparable to this historical example, racial integration can serve as a source of potential insights into how the military as an organization has adapted to changing policies on a controversial social issue. The lessons of this experience may prove valuable in devising a practical and realistic implementation plan for changes in the future.

The main theme of those opposed to racial integration in the post-war period centered on the fact that whites were hostile toward serving with blacks. This argument was often accompanied by rhetoric similar to that surrounding the issue of homosexuals serving today. Integration was said to be inconsistent with prevailing societal norms and likely to create tensions and disruptions in military units and to impair combat effectiveness. The effect on combat effectiveness was put to an early test during the Korean War. Spurred in part by critical manpower needs and in part by a concern that the all-black units were not as combat-capable as required in the theater, the Army fielded integrated units for the fighting. The actual experience of these units indicated that the integrated units performed at a standard equal to the all-white units (and much better than the all-black units).

The initial positive experiences in the wartime environment of Korea were followed by further rapid and complete integration of the Armed Forces by the mid-1950s. Until the early 1960s, the military seemed to be moving ahead of civilian society in progress toward integration. Black reenlistment rates were high, and many blacks perceived the military as providing opportunities in some ways more attractive than those provided by civilian society.

This veneer of racial harmony was shattered in the late 1960s. The civil rights movement and the rise in racial tensions throughout the country during the 1960s were reflected in the military. For example, difficulties experienced by black troops in finding off-base housing in certain areas of the country created a significant challenge for the Department of Defense. The Vietnam war added an additional layer of racial tension. Initially, blacks volunteered in disproportionately high rates for combat duty in Vietnam and performed effectively. But as many

civil rights leaders began to be vocal in their opposition to the war, many also began to question whether the draft calls and the casualty rates were falling disproportionately on black Americans from the inner cities. Racial tensions and, ultimately, race riots broke out in all four services. The military was forced to recognize that much still remained to be done to achieve integration, and that the level of racial tensions threatened to interfere with mission accomplishment.

By the end of the Vietnam war a vigorous effort to improve the racial situation in the military had been launched. Aggressive support for equal opportunity accompanied the post-Vietnam drawdown and the development of the all-volunteer force (AVF). Renewed attention from senior leaders and vigorous efforts to enforce policies forbidding discrimination resulted in the integrated, all-volunteer force of today.

While these historical examples can be instructive, they are not directly comparable to the issue of known homosexuals serving in the military. For example, in contrast to the issue of sexual orientation, there were compelling operational reasons favoring integration of blacks into the military. During World War II, many military leaders had begun to recognize that operational effectiveness was impaired by continued segregation in the force. Thus, elements of the military itself began examining ways to utilize black troops more effectively. In contrast, the argument for permitting homosexuals to serve is based on ending discrimination, not on compelling operational advantages.

Although a majority of Americans did not favor racial integration of the military in the late 1940s, public opinion changed over time. The wartime experience and the growing civil rights movement increased the pressure on the military to change. This pressure was a constant and growing factor for change throughout the 1950s and 1960s. Today, public opinion is more favorable to allowing homosexuals to serve than was public opinion favorable to racial integration of the military in the late 1940s.[20]

These distinctions must be kept in mind in evaluating the lessons suggested by the experience of racial integration of the military, but several points are nonetheless pertinent: The experience of integrating the races in the military suggests that civilian and military leadership can effectively overcome the initial resistance to change and can minimize the worst fears of opponents about the damaging effects on unit performance. Despite the presence of racial tensions, fighting performance did not suffer. The experience also suggests that military adaptation to social change does not occur overnight, and that constant monitoring and a clear commitment from top leadership over a substantial period of time will be required. The experience of racial integration also illustrates the length of time often required to put a change in policy into actual practice. Further, the integration of the workplace and the ability to accomplish the mission at hand does not automatically translate into social integration. Off-base and off-duty, blacks and whites customarily associate with members of their own race.

CURRENT AMERICAN ATTITUDES TOWARD HOMOSEXUALS SERVING

The historical lesson of racial integration clearly shows the importance of both general public opinion and the attitudes of service personnel toward homosexuality and toward homosexuals serving in the military.

Attitudes in the General Population[21]

Currently, the American public is divided on the question of whether homosexuality is acceptable as a "lifestyle," with a majority believing that it is not acceptable. Roughly 40 percent of Americans are willing to consider homosexuality as either not a moral issue or as an acceptable alternative lifestyle, a percentage that has remained relatively unchanged over the past decade. If a slightly different question is asked, such as whether homosexuality is "wrong," nearly three-quarters of the American public answer affirmatively. There is no trend toward greater acceptance of homosexuality discernible in these opinion data, either. for the past two decades, 70–75 percent of the public has responded that homosexuality is wrong.

While a majority of the public cannot be said to approve of homosexuality or a homosexual "lifestyle," opinion toward the civil rights of homosexuals is more favorable. Roughly 80 percent believe that homosexuals should not be discriminated against in the workplace (despite a personal preference of half the population not to have to work with a homosexual). On other issues of homosexual rights, such as homosexual marriage or child rearing rights, only about one-third of the American public supports extending such rights to homosexual couples.

On the question of service in the military, the American public is again divided. In a variety of polls, the percentage that favors lifting the ban on service varies from slightly more than 40 percent to slightly more than 50 percent. In the most recent poll, the Wall Street Journal/NBC News poll, published June 11, 1993, only 21 percent of registered voters opposed allowing homosexuals to serve under any circumstances. Thirty-eight percent favored service as long as sexual orientation was kept private, and 40 percent were in favor of homosexuals serving openly (but following the same rules of conduct as all military personnel while on base). While the opinions on removingthe restriction on homosexuals in the military more closely resemble opinions toward workplace and employment issues than opinions on "lifestyle" and morality, no strong consensus emerges from the data in favor of permitting homosexuals to serve. The American public remains divided on this issue.

Attitudes in the Military[22]

The popular press and recent Congressional hearings have provided a window into the military perspective on ending discrimination on the basis of sexual orientation in the military. Whether in opinion surveys or in group discussions the military members who have chosen to speak out on this subject have been overwhelmingly opposed to removing the restriction. However, this opposition has not been universal. Some military members have advocated allowing homosexuals to serve and some have expressed willingness to go along with whatever is decided, while some are strongly opposed to making any changes at all. Some have predicted the demise of the military if the ban is lifted and others have expressed their belief that the military would adjust to this change, as it has adjusted to changes in the past.

Two sources of information on military opinion were consulted by the study team: surveys and focus group interviews. While neither source provides a statistically representative view, together, they provide a reasonably comprehensive picture of contemporary military opinion.

Surveys: The two surveys of military opinion on this topic are by the Los Angeles Times, a survey of 2,346 enlisted men and women (E–1 through E–9) during February 11–16, 1993, and by Charles Moskos and Laura Miller, sociologists from Northwestern University. While these surveys are limited in scope and use convenience sampling methods rather than probability sampling to select respondents, they provide a source of information about a diverse sampling of military members.

The survey results indicate that three-fourths of males and about half of females in the military are opposed to permitting homosexuals to serve. A substantial minority of respondents in the Los Angeles Times poll, about 16 percent of males and 35 percent of females, approved of removing the ban; and 17 percent of males and 44 percent of females participating in the Moskos and Miller survey approved of removing the ban.

Those opposing homosexuals in the Los Angeles Times poll indicated that they feared sharing quarters with homosexuals, that they viewed homosexuality as immoral and contrary to their religious beliefs, and that they were concerned that homosexuals contribute to the spread of AIDS.[23] An overwhelming majority expressed the opinion that homosexuals would be subject to violence if restrictions on them were removed. Those Army personnel responding to the Moskos and Miller survey indicated that, while homosexuals were not generally considered to be desirable unit members, an overwhelming majority of respondents (72 percent of males and 87 percent of females) felt that private sexual behavior was none of their business. Fewer, about 38 percent of males and 29 percent of females, felt that homosexuals would be subject to sexual advances by homosexuals. The ban on homosexuals is not, however, the only important concern of military personnel. The Los Angeles Times survey found that while 48 percent rated removing the ban as the most important problem facing the military, 52 percent picked downsizing of the force; 66 percent felt that attention to removing the ban was "draining attention from other more important issues."

Focus Groups: RAND researchers also conducted 18 focus group discussions as part of this study. These focus groups provided a rich source of information on the diversity of military opinion and on how military members think about the issues and explain their views. Focus groups were conducted with Army, Air Force, and Marine participants at three California installations and with Army and Air Force participants from several installations near Frankfurt, Germany. The interview protocol used was designed to lead gradually into the topic of homosexuals in the military, in order to understand that issue in the larger context of opinion on other aspects of military life. To understand how conflict is managed in the military's workingenvironment, questions were asked about how differences in race and gender might cause problems and how these problems were resolved.

While there was diversity in opinions, some common elements emerged. First, military members felt that they had dealt successfully with racial integration in the military and were proud of it. They seemed to feel that racial integration had strengthened the military's ability to perform its mission. They also seemed to deal well with the low-level interpersonal conflict that happens in the barracks and on the job. Soldiers viewed it philosophically as the price for diversity, which they seemed to value. Officers viewed dealing with it as part of the job they were trained to do and an area that provided considerable challenge.

Most acknowledged that the integration of women into the military was still causing problems, in part because it was incomplete. Still, most group participants viewed women as there to stay and were confident that problems would eventually be worked out to a tolerable degree.

When the issue turned to homosexuals in the military, focus group participants' level of confidence in their ability to cope dropped sharply. While some could view the change with equanimity, many had difficulty imagining the consequences and viewed the problem in stark terms. Concerns centered around fears of special treatment of homosexuals, fears that homosexuals will band together and discriminate against heterosexuals, fears of being subjected to unwelcome sexual advances, and fears about their families and themselves being confronted by evidence of a lifestyle they regard as immoral. These concerns were particularly strong against a backdrop of downsizing and cutbacks in military benefits. Many perceived their own opportunities to be shrinking and resented what they see as extending rights and benefits to an unworthy group that is using the military for political and social advantage. Many predicted violence against homosexuals would result; this was expressed both in the surveys and in the focus groups.

They were unable to see how the conflict management skills they had learned in response to other problems could apply to this new situation, although this was in direct opposition to the "can do" attitude they had articulated earlier in the group sessions. In addition, while they had (for the most part) incorporated the presence of minorities and women into their image of the military, they had much more difficulty seeing how homosexuals could fit into that picture without changing it beyond recognition, compromising the military's ability to carry out an effective national defense.

ISSUES OF CONCERN: VIOLENCE AND AIDS

Focus groups with active-duty personnel, surveys of military personnel, testimony at Congressional hearings, and media reports have raised concerns about anti-homosexual violence and the possibility that AIDS would increase among military personnel if acknowledged homosexuals are allowed to serve.

Violence[24]

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence or threats of violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of racial integration in the U.S. military, foreign militaries, and domestic police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

HIV Transmission and AIDS[25]

DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less to estimate its magnitude. However, if there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all service personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

UNDERSTANDING UNIT COHESION[26]

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."[27] Most military leaders who have spoken publicly on the issue in the recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine thecohesiveness of that unit. Unfortunately, opinion on this issue is intuitive or based on anecdote. There has been no systematic study of this subject, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is the commonsense observation that it is not necessary to like someone to work with him or her, so long as members share a commitment to the group's objectives. This conclusion was also borne out in the review of racial integration in the military, as discussed above.

"Cohesion" is a concept with many definitions and sources. While military researchers sometimes refer to "horizontal" cohesion, meaning the bonding of members of a group, and "vertical" cohesion, referring to the bonds between leader and members, these concepts are not widely used in the research literature. Leadership is recognized as an important aspect of military performance (and can have an effect on cohesion), but "cohesion" is generally used to refer to the forces that bond individuals together as a group. This notion of cohesion, in turn, can be generally divided into two important types: social cohesion (intragroup attraction) and task cohesion (commitment to shared goals and objectives). Cohesion can thus also be distinguished from other concepts such as morale, a concept more meaningfully applied to individual attitudes toward a larger group.

Research has shown that many factors can produce social and task cohesion. Simply being assigned to the same unit predisposes the group members to at least a moderate level of cohesion. Length of time together, a history of success experiences, and a sense of shared fate or interdependence all enhance a unit's cohesion. Sharing similar traits or values enhances social cohesion, but it is not necessary for task cohesion, so long as the individuals share a commitment to the group's mission.

In general, research has identified a positive, though not strong, association between cohesion and performance. However, the relationship between cohesion and performance is not a straightforward one. First, the effect of successful performance on cohesion appears to be stronger than the effect of cohesion on successful performance. Second, it appears that the positive association of performance and cohesion is almost entirely due to the influence of task cohesion, not social cohesion. Indeed, excessive social cohesion sometimes interferes with the successful completion of the group's assigned mission.[28]

The lack of direct evidence makes it difficult to predict confidently the effect of the presence of a known homosexual on the performance of the group. Sexual orientation is one dimension on which group members would be dissimilar, and this could reduce social cohesion. Members would share other traits, however, and the precise effect of the presence of a known homosexual on social cohesion is uncertain.[29] While the effect on social cohesion may be negative, the presence of a known homosexual is unlikely to undermine task cohesion, provided that the individual demonstrates competence and a commitment to the unit's mission. Task cohesion, not social cohesion, appears to be what drives successful performance.

Given the high levels of hostility toward homosexuals present in the military ranks today, a range of responses is possible to the introduction of a known homosexual into the group, including ostracism. At least initially, heterosexuals might be reluctant to cooperate or work with homosexuals. However, the reduction in social cohesion would not necessarily lead to the breakdown of the unit. In circumstances where disruptive behavior occurs or where standard leadership techniques are insufficient for preventing dysfunction in the unit, it may be necessary to provide additional resources to the unit leader, such ascounseling support or expert assistance. It may also be necessary to remove individuals (heterosexual or homosexual) from units if their behavior continues to disrupt the unit.

IMPLICATIONS OF THE RESEARCH

Homosexuals serve in all of the foreign militaries and in each of the domestic police and fire departments visited by RAND researchers. They serve with varying degrees of openness, however, and in most of these organizations the number of homosexuals known to the organizations was estimated to be a small fraction of the total number of homosexual members. A variety of factors explain this, including the generally hostile attitudes of many heterosexuals toward homosexuals. In these circumstances, homosexuals tend not to advertise their sexual orientation but rather conform to the mores and norms of the organization in which they serve. These organizations found that incorporating homosexuals into the force created

relatively few problems. They experienced virtually no loss of organizational effectiveness or impairment in performance. Few disruptive incidents or examples of outright hostility were reported. The inherent gradualism of the process of integration accounts in part for the absence of negative effect, as do some of the strategies adopted by the organizations for assuring successful implementation.

Among the strategies for achieving successful implementation of a nondiscrimination policy, those that signaled clear leadership support and insistence on maintaining high standards of professional behavior resulted in relatively few problems. In the opinion of most officials interviewed, the resistance of heterosexuals to the process was dealt with more effectively through leadership training (throughout all levels of the chain of command) than through affirmative action or sensitivity training for the rank and file. Dealing with potential cases of incompatibility or disruptive behavior—as they arose—was generally preferred over special class protections for homosexuals.

It is difficult to predict how including known homosexuals in the military would affect unit cohesion, but some resistance can be expected from homosexuals, given the current state of opinion among servicepersonnel. Research suggests that, at least in the short term, the possible negative effects on social cohesion would not necessarily have a negative effect on task performance or on unit effectiveness. Further, the research indicates that there would be sufficient time for military leadership to use the tools available to enforce discipline and foster task cohesion: As discussed above, the process of integrating acknowledged homosexuals is gradual and self-regulating. The experience of foreign militaries and domestic fire and police departments suggests that few homosexuals would acknowledge their orientation and that they would do so only when they felt the group context was tolerant.

The research conducted by RAND provides evidence that homosexuals can be successfully integrated into military and public security organizations. It also revealed, however, that hostile opinion toward homosexuals is prevalent in the American military and that any effort to introduce a change in current policy must confront the challenges posed by this unique environment. In developing a policy option consistent with the President's criteria (ending discrimination in a way that can be implemented practically and realistically), issues of implementation must, therefore, be examined carefully. An option consistent with the findings of the research and satisfying those criteria is identified and assessed in the following section. A discussion of implementation issues follows the description of the option.

A POLICY THAT ENDS DISCRIMINATION BASED ON SEXUAL ORIENTATION

In light of this research, the team examined a range of potential policy options. In the past and in foreign militaries, policies to end discrimination have generally taken one of two forms:

1. Treat homosexuals as a protected class, with the special treatment or affirmative action such status implies, attempting to change majority attitudes to become more tolerant of the discriminated class.

2. Consider homosexuals on an individual, case-by-case basis, using existing, universally applicable rules and regulations in making personnel decisions.

The first policy of treating homosexuals as a protected class characterizes the experience of integrating blacks in the American military and policies toward homosexuals followed by the Netherlands. A variety of factors suggest, however, that the second approach is likely to be more successful for the American military in this case. First, there is no legal requirement to provide protected class status to homosexuals at the present time. In fact, most courts, at both the state and federal level, have refused to recognize such status. Legislative change is not likely in the near term, and, in recent state and local elections, voters have either turned down or preempted such status. Second, the research reported here consistently suggests that such status, and the special treatment it implies, would clearly foster resentment and arouse hostility toward homosexuals in the very organizations that would be implementing a nondiscrimination policy. By drawing special attention to the issue of sexual orientation, such a policy would in effect place more emphasis on sexual orientation than the current exclusionary policy does. A policy that does not create special class status for homosexuals is likely to be received with less hostility and, therefore, to be easier to implement. Ultimately, however, a decision not to grant protected class status to homosexuals must rest on the ability of other, less drastic policies to end discrimination, the stated goal of the change in policy.

A policy based on the principle that sexual orientation is not germane to military service thus emerged as the most promising option for achieving the President's objectives. This option ends discrimination on the basis of sexual orientation while assuring the requirement that military order and discipline be maintained. It implies no endorsement of a "gay lifestyle," nor does it require any special accommodations to homosexuals, who would be considered as individuals, not as a special class of people. This policy incorporates strict standards of personal conduct, applicable to all members of the force and designed to remove matters of sexual orientation from the professional environment.

A policy based on these premises could be built around the following basic elements:

A single, gender- and orientation-neutral standard of professional conduct.

Strict rules governing personal and sexual harassment, designed to remove such actions from the professional environment.

Elimination of prohibitions in DoD directives on private, consensual sexual behavior among adults, and adjustment of investigative and enforcement practices accordingly.

No changes in other military rules and regulations.

An illustrative Standard of Professional Conduct was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization.[30] Similar standards have been used effectively in other organizations and foreign militaries[31] and are analogous to the "good order and discipline" and "conduct unbecoming" provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals are asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual identity or orientation.

A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.

A list of categories of inappropriate conduct, including sexual harassment, fraternization, personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.

Application of these standards by leaders at every level of the chain of command, in a way that ensures that effective unit performance is maintained.

Strict standards of professional conduct and an environment free of personal harassment are critical to the successful implementation of this nondiscrimination option. The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that impeded the effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. On issues such as recognizing homosexual marriages or conferring benefits on homosexual partners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago.[32] However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy have already been developed: Individuals act in ways that do not intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guaranties of privacy.

Legal Issues Regarding a "Not Germane"/ Conduct-Based Policy[33]

The legal implications of adopting and implementing the "not germane"/conduct-based policy were also examined. This policy could be adopted and implemented by the President under his authority as Commander-in-Chief of the Armed Forces and would probably be upheld by the courts as an exercise of executive authority. This policy, including implementing the Standard of Professional Conduct and revising the Manual for Courts Martial to exclude private, consensual sex between adults, is entirely legally defensible.

Implementing the illustrative Standard of Professional Conduct raises several potential issues from a legal perspective, however. First, is the standard itself sufficiently specific to withstand a void-for-vagueness challenge? Second, how specific must a Standard of Professional Conduct be to provide adequate notice that certain behavior violates

good order and discipline? Third, would the code's lack or specific examples make it susceptible to challenges based on unequal enforcement in similar situations? And fourth, if specific examples were to be included, would the standard be susceptible to an equal protection challenge? For the reasons discussed below, we conclude that the Standard of Professional Conduct would likely be upheld against these potential challenges. That is, the Standard of Professional Conduct as drafted would provide sufficient specificity to satisfy prenotice requirements, but more specific provisions could also be sustained.

The Supreme Court has consistently upheld Articles 133 (conduct unbecoming an officer and a gentleman) and 134 of the UCMJ (the General Article, makes punishable "* * * all disorders and neglects to the prejudice of good order and discipline in the Armed Forces * * *") against challenges that they were "void for vagueness" and hence provided no notice of what would be punishable conduct. Although the court ruled that military law need not be as precise as civilian criminal statutes, in most instances, adequate notice has been provided by military custom, rules, and regulations.

Under the Standard of Professional Conduct it is inevitable that the same behavior in different circumstances would be treated differently. Commanders would likely respond differently to certain behavior and might view the consequences to morale and discipline of a particular act differently. Commanders would likely vary in how they would weigh the time, place, circumstances, and purpose of an action relative to its consequences. Thus, some degree of differential enforcement of the Standard of Professional Conduct should be expected, but this alone would not render the standard unenforceable. The result of providing maximum discretion to commanders, which already exists under Article 134, is that not all commanders treat the same situations alike, a result also likely under the Standard of Professional Conduct.

As noted above, the time, place, circumstances, and consequences of the conduct determine if an act would be punishable as disruptive conduct. The same standards would apply whether the conduct takes place on or off base. Thus, the Standard of Professional Conduct would be applicable to behavior that is disruptive to morale or unit cohesion regardless of where the behavior takes place.

If sexual orientation is regarded as not germane in determining who may serve, Enclosure 3H of the DoD regulations concerning administrative separations (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[34] Those portions of the MCM have historically been applied differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consensual sexual behavior or sexual acts with a minor.[35] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

In sum, an option that regards sexual orientation as not germane to military service, accompanied by the Standard of Professional Conduct and revisions to administrative enforcement of Article 125, is legally supportable.

IMPLEMENTATION OF A POLICY THAT ENDS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION[36]

A policy for ending discrimination on the basis of sexual orientation will present implementation problems that go beyond those created by more usual structural or organizational changes. Like the racial integration, admitting acknowledged homosexuals represents a social change that touches not only on deeply held social attitudes, but on moral beliefs as well. For many, it makes no difference if they come into contact with a serving homosexual; just changing the policy alters their perception of their organization in very fundamental ways. For these people, the primary issue is not unit cohesion, but morality. Some may leave the organization. For those who stay, the challenge will be to implement the change in ways that preserve essential task cohesion and organizational effectiveness.

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record as opposing any change, it will be necessary, if policy is changed, for these and other leaders to signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.

The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist it and to seek to "prove" that the change will not work.

Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, such efforts would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.

Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experience, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal that the change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.

Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may be a useful device for ensuring that the change is understood and occurs rapidly.

A monitoring process should be established to identify any problems early in the implementation process and to address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

FOOTNOTES

[1] Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

[2] The Manuals for Court-Martial, 1917, defined sodomy as anal penetration of a man or woman by a man; both parties involved were equally guilty of the offense. In these regulations, penetration of the mouth did not constitute sodomy. In the regulations that accompanied the revision of the Articles of War in 1920, however, The Manuals for Court-Martial redefined sodomy as anal or oral copulation between men or between a man and woman (Jeffrey S. Davis, "Military Policy Toward Homosexuals: Scientific, Historical, and Legal Perspectives." Military Law Review 131, 1991, p. 73).

[3] Ibid. and Manual for Courts-Martial, United States, 1921, para. 443.

[4] Army Regulation 40-105, 1921.

[5] Alan Bérubé, Coming Out Under Fire: The History of Gay Men and Women in World War Two, New York: The Free Press, 1990, pp. 10-18.

[6] Those men and women with good service records, however, were to be separated from the service with a general, rather than a dishonorable, discharge.

[7] Unfortunately, there are no consistently reliable statistics of separations for homosexual behavior across the different branches of the Armed Services, nor are there any internally consistent statistics for any one service over the entire postwar time period. While many analysts make the logical assumption that most separations for moral charges were indeed for homosexual behavior, unfortunately, medical, legal, and administrative statistics within the armed forces were not tabulated carefully enough to be certain.

[8] Colin J. Williams and Martin S. Weinberg, Homosexuals in the Military: A Study of Less Than Honorable Discharge, New York: Harper and Row, 1971, p. 102. The procedures of interrogation are outlined on pp. 100-114.

[9] The directive was issued in response to numerous court challenges, such as Matlovich v. Secretary of the Air Force, 591 F.2d 852, D.C. Cir. 1978, questioning why some open homosexuals were discharged while others were retained. The 1981 directive removed the military's discretion in deciding whether to retain an open homosexual, making such discharge mandatory.

[10] United States General Accounting Office, Defense Force Management: DoD's Policy on Homosexuality, GAO/NSIAD 92-98, Washington, D.C.: U.S. Government Printing Office, June 1992. These figures are calculated from statistics in a supplement to the report, Statistics Related to DoD's Policy on Homosexuality, pp. 22-30.

[11] In the Ben-Shalom case the court moved toward equating status as a homosexual with conduct proscribed under Article 125.

[12] For a more complete discussion, see Chapter 2 on sexuality, as it pertains to the DoD directive and the UCMJ.

[13] For example, the 1991 National Survey of Men, a nationally representative study of 3,321 males age 20 through 39 years of age (Billy et al., 1993) reports that 75 percent have performed and 79 percent have received oral sex. Among those currently married, the numbers were slightly higher. Similar results are reported for homosexual males, e.g., the Pittsburgh Men's Study (Silvestre et al.; 1993; see bibliography for Chapter 2).

[14] See Chapter 3 for a more comprehensive treatment of foreign militaries.

[15] Concurrent with this inquiry, the General Accounting Office also sent teams to Canada, Israel, and Germany. Their findings are reported in Homosexuals in the Military: Policies and Practices of Foreign Countries, GAO/NSIAD-93-215, June 1993.

[16] The Canadian regulations on personal harassment, sexual misconduct, and sexual harassment are contained in Appendix E.

[17] See Appendix D for survey results concerning attitudes toward homosexuality in Canada, the United States, and the United Kingdom.

[18] See Chapter 4 for a more comprehensive treatment of selected domestic police and fire departments.

[19] See Chapter 5 for a more detailed discussion.

[20] See Chapters 5 and 6 for more discussion of these public-opinion issues.

[21] See Chapter 6 for a more detailed treatment of American public opinion. Survey results are presented in Appendix F.

[22] See Chapter 7 for a more detailed discussion.

[23] For a discussion of AIDS in the military see Chapter 8.

[24] See Chapter 9 for a fuller discussion of anti-homosexual violence.

[25] Chapter 8 contains a more comprehensive discussion of health issues, risk behavior, and the military blood supply.

[26] See Chapter 10 for a more comprehensive treatment.

[27] Department of Defense Directive 1332.14, Enlisted Administrative Separations, Enclosure 3H.

[28] Examples where excessive social cohesion could undermine group performance include socializing among the workforce, "rate busting," groupthink, and mutinies.

[29] Acceptance of known homosexuals in police departments appears to be much greater, for example, if the individual is recognized as a "good cop," rather than a "gay cop." See the discussion in Chapter 4 on this topic.

[30] Appendix A contains such a Standard of Professional Conduct.

[31] See Appendix E for the Canadian regulations.

[32] Appendix B discusses the RAND survey of military facilities.

[33] See Chapter 11 for a more comprehensive discussion of the legal issues concerning such a standard.

[34] From the perspective of a homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequences could be that if 1332.14 is repealed without changing Article 125, the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

[35] Appendix C contains an example of such a revision.

[36] See Chapter 12 for a more detailed discussion. The research team also examined the potential effects of a change in policy on recruitment and retention. These findings are discussed in Chapter 13.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask the Senator from Indiana if he is ready to speak, or the Senator from Georgia, the chairman of the committee, if he has people to speak.

Mr. NUNN. I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I thank the chairman. I want to remind my colleagues of the issue that is before us. The Boxer amendment is a sense-of-the-Congress amendment which states that the matter relative to the service of homosexuals in the military is one that should be exclusively determined by the President based on advice provided him by the Secretary of Defense and that Congress should have no role in that issue.

I would like to remind my colleagues that article I, section 8, clause 14 of the Constitution of the United States specifically assigns to the Congress the authority to make rules for the Government in regulation of land and naval forces. As the Supreme Court stated in the Chapel Wallace case in 1983, and I quote:

It is clear that the Constitution contemplated that the legislative branch have plenary control over rights, duties and responsibilities in the framework of the military establishment, including regulations, procedures and remedies related to military discipline.

In short, it is the Congress, not the President, that has the ultimate power to make the rules regarding this issue: service of homosexuals in the military. I think we would be avoiding our responsibilities and our obligations under the Constitution were we to adopt the Boxer amendment.

So the vote that will take place at 12:30 is on whether or not the Congress has a right under the Constitution and an obligation under the Constitution to determine this policy for the military.

Interestingly enough, the Congress and the executive branch are no longer in disagreement because the President has publicly announced, as have the Joint Chiefs of Staff and the military, support for the language that is provided in the defense authorization bill, as determined by the Senate Armed Services Committee. So there is no disagreement here. The question is, though, whether we are going to forfeit our role in making these regulations.

Having said that, I would like to address an issue that has been raised by a number of the speakers relative to status versus behavior, because this is an issue that the committee deliberated at great length. We held, as our colleagues know, exhaustive hearings over several months of time. We had military experts, sociologists, members from the military, legal experts, and many others who came before us, and we addressed this question over and over and over again, because I think it does go to the crux of the question.

It is something that the Supreme Court has looked at and made determinations on in a whole series of cases over the last 20 years. The Dahl case decision made by a district court judge is exceptional to 20 years of legal history as determined by the highest court in the land.

On addressing this question of status versus behavior, let me start out with a quote from the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell. He said:

Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group, the same is not true for sexuality. We have successfully mixed rich and poor, black and white, male and female * * *.

And I would state to my colleague from Minnesota, a Jew, a Catholic, Protestant, members of different religious faiths, the comparison I do not believe is a valid one between someone's religious beliefs and someone's sexuality or gender.

As General Powell goes on to say:

We have successfully mixed black and white, male and female, rich and poor, but open homosexuality in units is not just the acceptance of benign characteristics, such as gender. It involves matters of privacy and human sexuality that, in our judgment—

That is collective military judgment—

if allowed to exist openly in the military would affect the cohesion and well-being of the force. It asks us to deal with fundamental issues that the society at large has not yet been able to deal with.

Madam President, sexual behavior is one of the most intimate and one of the most powerful forces in society. In civilian life, people are not compelled to live with individuals who are sexually attracted to persons of the same sex and our committee found no military necessity to compel persons to do so in the military.

The distinction that has not been made here by the proponents of homosexuality in the military is the fact that we are not asking people to work with each other on a 9-to-5 basis in an office building. We are asking people to live together in the most intimate of circumstances on a 24-hour-a-day, sometimes 365-day-a-year basis. And that is far different than showing up at work in a congressional office and working side by side with someone who happens to have a sexual preference different than your own. It would be equivalent to saying not only will you work with that individual until 5 o'clock, but you will go home with them, you will sleep with them, you will dress and shower and live and commune, and everything about your life will be closely associated with that individual. That is what we are looking at in the military. That is far different than a situation that is being suggested on this floor.

Quoting now from the committee report:

While some individuals may view themselves as homosexual, gay or lesbian based upon thoughts that never ripen into propensity or intent to engage in homosexual acts, advocates of gay rights have expressly linked sexual orientation to conduct.

These are not statements coming from individuals who oppose homosexuality in the military. These are statements coming from advocates of gay rights who admit and who even advocate the link between sexual orientation and conduct.

In a brief challenging the constitutionality of sodomy laws in a Supreme Court case, the Lambda Legal Defense and Education Fund took the position:

For gay people, sexuality and their sexual orientation play an especially central role in the definition of self. Sodomy laws impose an added burden on gay people, blocking their sense of self as well as their sexual fulfillment. State regulation of same-sex behavior constitutes the total prohibition of an entire way of life.

One of the individuals, gay individuals, a service person who testified before our committee said you cannot separate status and conduct. Status is

conduct. The military experts, sociologists and others said status is conduct. Therefore, it is reasonable, as courts have held consistently, for the Armed Forces to take into account the potential behavior of persons who define themselves as homosexual, gay, or lesbian.

Now, we are not arguing that there are not individuals who have chosen to declare their sexuality, their sexual orientation as homosexual, but have chosen to lead a celibate life. We are not saying there are not those exceptions. But I think it would be irrational to develop military personnel policies on the basis that all gays and all lesbians will remain celibate or that they will not be attracted to others. Because when dealing with issues involving different genders, we have to assume that in most instances declaration of status, of sexual orientation, is going to result in conduct or at least sexual attraction. And when that happens, according to thousands of pages of testimony from hundreds if not thousands of individuals, that tends to seriously undermine and break down unit cohesion and unit morale.

The courts have consistently held that there is a rational basis for coming to this conclusion. That is the reason why we separate men and women. If we simply operated on a conduct status in the military, then there is no justification to separate men and women. There is no justification for having separate barracks. Women could charge that under equal protection of the law they deserved to not be segregated into separate barracks. No one would advocate having men and women live together on a 24-hour-a-day basis in the same living conditions without the issue of sexual attraction playing a very major role in the morale, in the discipline, in the good order and unit cohesion of the unit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. Madam President, may I ask how much time is remaining on the amendment?

The PRESIDING OFFICER. There are 11 minutes, 45 seconds remaining for the opponents of the amendment, 8 minutes 30 seconds remaining for the proponents.

Mr. COATS. I yield myself 3 minutes. That does not include the 15 minutes set aside for Senator SPECTER.

The PRESIDING OFFICER. That does not include it.

Mr. SPECTER. Parliamentary inquiry. That excludes the time which has been reserved for this Senator?

The PRESIDING OFFICER. The Senator from Pennsylvania was reserved 15 minutes outside the parameters of the time agreement.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, the question to which we never received a satisfactory answer is the question of separation of men and women and the dynamic of human sexuality.

I think it is irrational to assume that we can totally ignore the element of human sexuality in any situation but particularly in situations where people live together on a 24-hour-a-day basis, where they are deployed together in submarines and ships, tents, field exercises. For that reason, we conclude that we need to have separate living quarters for men and women. The reason is human sexuality.

There is no other reason. The reason is right to privacy. There is no other rational basis to separate men from women—because there is a sexual attraction, and we know through common sense and human experience that attraction is going to lead to behavior.

Now, by definition, homosexuality is sexual attraction to someone of the same sex. And so the only logical conclusion that we can come to is that in order to avoid the sexual tension and the breakdown that occurs between people who are not married but are living together and sexually attracted to each other, the only way we can avoid that is separation. Then the only possible solution to the problem, if you include homosexuals in the military, is to give them separate barracks, but we know that that is not going to solve the problem of unwanted sexual activity.

That is going to exacerbate the problem. And for the reason that we do not employ a conduct standard for men and women by simply saying we are not going to do anything, just make sure—these are the rules. Even though you are living together 24 hours a day, we will not do anything until we seeevidences of unwarranted behavior, it is impossible to do that in the case of a situation where by definition sexual orientation throws people together who are sexually attracted to each other.

That is the rational basis for the conclusion that the committee arrived at based on the testimony provided by service people, not just people from the Pentagon, enlisted people all down through the ranks. In exhaustive hearings, in field trips, in meetings with men, women, those who wear the uniform virtually unanimously come to that same conclusion.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. COATS. Madam President, the Senator from Pennsylvania may want to wait until the full time has expired on both sides because I believe he has a series of questions he wants to ask relative to this, and if that is the case we can go ahead and conclude I think.

Mr. SPECTER. That would be entirely acceptable and preferable to this Senator, Madam President.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I would prefer that the Senator from Pennsylvania take his time at this point because I am waiting for some other colleagues to come over. I only have 8 minutes remaining.

How much time does the Senator from Indiana have?

The PRESIDING OFFICER. There are 7 minutes 51 seconds remaining for the opponents of the amendment, 8 minutes 15 seconds for the proponents.

Mr. COATS. Madam President, the only reason I suggest that is I believe the Senator from Pennsylvania has a number of questions which he would like to direct toward the Senator from Georgia, and the Senator from Georgia is not in this Chamber at this particular time. Let me just ask for clarification of that from the Senator.

Mr. SPECTER. Madam President, I thank my colleague. I am prepared to proceed providing Senator NUNN is here.

I had spoken to Senator NUNN earlier and advised him of the nature of the questions that I would be asking, inquiries I would be making. I am ready to go as soon as Senator NUNN is on the floor.

Mr. COATS. Madam President, if the Senator from California does not wish to use time at this time, I would yield myself an additional 2 minutes.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Indiana.

Mr. COATS. Mr. President, I would like to address another question that arose during the debate here this morning. The Senator from Ohio indicated that there were no instances to his knowledge of individuals who were discharged from the military on the basis of their sexual orientation, that there was no indication of any faulty job performance or any lack of effective participation in our military services.

Mr. President, while there certainly have been publicized cases of individuals who have, either through remaining celibate or not evidencing outward expressions of their sexual orientation, performed honorably in our military, the facts relative to the discharges of those individuals who have their own sexual orientation disputed dramatically, the details of these discharges have not been publicized. But in almost every instance there are some exceptions. But in almost every instance discharges are a result of conduct and that conduct is a pretty sordid, pretty sorry tale.

There are tragedies that have occurred to young children that have scarred them for their lives. There are tragedies that have occurred to innocent young individuals who have enlisted in the military believing that it was a place where they would not be subjected to physical or sexual intimidation or violation. Those cases have been documented, and it is reading that I would not want to read on this Senate floor. But I do not want to

leave the impression that individuals are being discharged without cause, that there is not a substantial basis for the military to conclude that we have a serious problem, that there are tragic consequences, that lives have been destroyed, and that the presence of this conduct has seriously broken down cohesion and readiness in units.

General Schwarzkopf, an Army personnel chief for a number of years, said he has never known an instance or knowledge of homosexual incidents that has broken down unit cohesion. Where there is evidence and where we know of the conduct, the results have been pretty grim for sure.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized for up to 15 minutes.

Mr. SPECTER. I thank the Chair.

Mr. President, as I had noted earlier, I had asked for this time essentially to have a discussion with the distinguished chairman of the committee as to the basis for the conclusion that it harms the military mission. I would like to make a few preliminary comments before coming to those questions.

At the outset, I agree with the distinguished Senator from Georgia that this is a matter for Congress. I respectfully disagree with the distinguished Senator from California on that issue. It seems to me that the matter is laid to rest by article I, section 8 of the Constitution, which gives to theCongress the authority to make rules for the Government and regulation of the land and naval forces. As I read that language, this kind of consideration falls squarely within that purview.

I listened closely to the comments by Senator NUNN, and his arguments were directed to the congressional authority which I agree with. But it seems to me that although this amendment is subject to being defeated—and I intend to vote against it, because it wants to give to the President the exclusive authority to make these rules. And I do not think that is solely a Presidential prerogative or right. It is a congressional prerogative and right.

The underlying question here is what is the impact on acknowledged homosexuals and lesbians in the military? I have reviewed the record and I am in doubt as to whether this record establishes an impact on the military mission.

I note the testimony of Lawrence Korb, former Assistant Secretary of Defense:

> Based on my own military service policy research and Pentagon experience, I find no convincing evidence that changing the current policy would undermine unit cohesion any more than the other social changes that society has asked the Armed Forces to make over the past 50 years.

With respect to the very exhaustive study made by Rand, I heard Senator NUNN's comment that this report was not directed to whether there would be an impact on having open gays and lesbians in the military, but a way to carry out an Executive order; that nonetheless, on page 30, there is a flat statement in this very comprehensive report:

> There is no direct scientific evidence regarding the effects of the presence of acknowledged homosexuals on unit cohesion or unit performance.

General Powell has testified in support of the report of the Armed Services Committee. But I also note from his testimony the following important statement that:

> The challenge we faced was to reconcile the compromise, two sets of conflicting views. On the one hand are those who believe homosexuals should be allowed to serve openly in the military.

This is the important part:

> They note correctly that homosexuals have privately served well in the past and are serving well today.

There have been two recent court decisions which I think are significant on this matter. Earlier this year, on January 29, the U.S. District Court for the Central District of California came to the conclusion that there was no evidence to ban gays and lesbians from serving our country because of the "absence of conduct which interferes with the military mission."

I think that is the essential question, whether there is an interference with the military mission.

I agree with Senator NUNN that this is an issue which is really for the Supreme Court. But the quality of the reasoning of these two district court cases, I think, are worthy of some consideration. And in the case involving Mr. Dahl, the court came to this conclusion. And in this situation the court considered extensively the evidence which was presented at the Armed Services Committee.

The court came to this conclusion at page 34:

> The unsupported distinction between declared and undeclared homosexuals leads to the inescapable inference that the homosexual exclusion policy rests solely on prejudice against homosexuals.

They therefore struck down the distinction.

While Senator NUNN has argued that this decision did not consider the current legislation, the essence of current legislation, the distinction between those who declare themselves to be homosexual and those who do not, the declaration of homosexuality is grounds for exclusion unless there is a showing that this was an inadvertent statement or other extenuating circumstances.

And the question that I have for Senator NUNN at the outset is: What is the strongest evidence in the record which supports the conclusion that there would be harm to the mission of the military by having acknowledged gays and lesbians in the service?

Mr. NUNN. I ask my friend from Pennsylvania if he could repeat the exact question. I heard most of what he said. I want to make sure before I respond.

Mr. SPECTER. What is the strongest evidence in the record which supports a conclusion that there would be an adverse impact on the mission of the military services by having in the service individuals who are known to be homosexual?

Mr. NUNN. Mr. President, I say to the Senator from Pennsylvania, that is the bottom line here, and I think it is a very important question. We have, throughout our report that accompanies this legislation, quoted the direct testimony in evidence before our committee from numerous sources.

I know the Senator does not want to hear, on his time, all of that. But let me just refer to a couple of statements made by the Chairman of the Joint Chiefs, Colin Powell.

He stated:

> Unit cohesion is strengthened or weakened in the intimate living arrangements we force upon our people. Youngsters from different backgrounds must get along together, despite their individual preferences. Behavior too far away from the norm undercuts the cohesion of a group. In our society, gender differences are not considered conducive to bonding and cohesion within barracks living spaces.

The General also goes on to say, quoting him again:

> The presence of open homosexuality would have an unacceptable detrimental and disruptive impact on the cohesion, morale, and esprit of the Armed Forces.

He goes on to say:

> Active military service is not an everyday job in an ordinary workplace. It requires a unique blend of skills, ethics, bonding, and culture to have an effective fighting force. There is often no escape from the military environment for days and weeks and often months on end. We place unique demands and constraints upon our young men and women, not the least of which are eating and sleeping in close quarters. The fact that we as military members serve 24 hours a day under often severely constrained conditions is more than rhetoric, it is a way of life.

I will not take more of the time of the Senator, but the testimony before our committee, plus the record that accompanies this report, is replete with testimony that backs up and goes into more detail than General Powell.

There was General Schwarzkopf, and we have had testimony from a number of enlisted men and women in the services, as well as a number of military specialists from the outside.

Mr. SPECTER. I thank the chairman.

The opening part of the quotation relating to gender differences, I can understand. Of course, it is not an issue, having men and women serve and live in the same barracks, et cetera.

With respect to the testimony of General Powell, I ask my distinguished

colleague about General Powell's statement that homosexuals have privately served well in the past and are serving well today; and I ask Senator NUNN what his basis is for disagreeing, if he does, with the district judge that the distinction between declared and undeclared homosexuals—and these are the Court's words—"leads to the inescapable inference that the homosexual exclusion policy rests solely on prejudice against homosexuals."

Mr. NUNN. I say to the Senator from Pennsylvania that I may not have read that decision as closely as the Senator from Pennsylvania may have. I have seen references to it. So I cannot go into detail about my feeling on the judge's view.

But it is very clear that many people in the military services do not go home at night. Those, obviously, in Congress do. People in the military uniform, in many different assignments, do not have separate quarters. They live in barracks together, and they live through field exercises together. So there is a fundamental difference between private life and military service.

When people are in the military, they in effect give up the right of privacy to a great extent. What we are trying to do is to protect that right of privacy for men and women in the military services to the extent that we can, consistent with military requirements. It is only a very limited right of privacy, but an open environment of homosexuality would have a definite distinct effect, according to all of the testimony we have, on others in the unit, those who are not homosexual. That is a difference between open and private conduct. We make it clear in this report.

There is no doubt about the fact that there are men and women who are gay and lesbian who have served with distinction. They have not done so openly. If they do so openly, they have violated the policy that has been in effect for a long time. So when a court or a Rand report says there is no scientific evidence on this unit cohesion question, the reason is that there has been no open homosexuality in the military.

By the very definition, the policy has been adhered to and complied with, so you have to go by the experts in this area, the people who live and breathe the military life.

So that is my general answer. If the Senator wants to be more particular, I will be glad to follow up.

Mr. SPECTER. I thank my colleague. How much time remains of my 15 minutes?

The PRESIDING OFFICER. One minute forty seconds.

Mr. SPECTER. Well, that is not time enough to propound another question. It may well be that the Senator from Georgia is correct, or it may well be that in fact he is not correct. Within the course of 15 minutes, which I thought was a reasonable amount of time to take from the limited timespan, I have attempted to get into some of the underlying questions.

I expressed my regret that more time has not been spent on the question of what is the evidence and the impact, as opposed to the other discussions as to who has the authority and the premises.

I had intended to pursue a number of other questions, one of which was the evidence relating to the experience in Canada, Germany, France, and Israel of homosexuals in the military, where there is evidence that it has not been disruptive and there has similarly been evidence that it has been disruptive.

This is a very important issue, and while I have no difficulty with the pending amendment, in voting against it, because I think it is the congressional responsibility, I am troubled by the current state of the record and the current evidence.

It had been my hope—and maybe we can do it on this bill—that there would have been a more extensive examination into the issue of impact on the mission.

I thank my colleague for his replies.

Mr. NUNN. Mr. President, I thank my friend from Pennsylvania.

Very briefly, I would say that I think our record here is replete with evidence. We have not had all that kind of discussion this morning, because we have had a limited period of time. Any court or any interested party reviewing the report of the Armed Services Committee will find abundant evidence on every single point that the Senator from Pennsylvania has raised, including the distinction between other countries in the world and their experience and the United States.

There is no other country in the world that deploys forces all over the world. There is no other country that has ships all over the world. There is no other country in the world that has the kind of responsibilities we have.

Most countries in the world that have a different policy on this subject either have just started that policy, where there is not very much evidence as to their own experience, or in the case of countries like Israel and other countries, most of their forces are deployed near home. And those forces, many of them defense forces—for instance, in Israel, and those are among the best in the world—they go home at night.

I would say that is a fundamentally different situation than what we have in this country.

So I do believe that we have evidence that is very abundant here.

I would finally say on the lower court's decision about there being no difference between declared homosexuality and private conduct that is undisclosed, I think any court that makes that finding is not tuned in with real life. I say that with all respect to the Federal court, but I think that an individual who makes such a finding simply has not thought very carefully about the distinct features of military life and the lack of privacy in military life and how open homosexuality affects other people, men and women, in the unit.

It is my view that that decision will be reversed at some point on the appellate ladder, but that is up to the courts to decide.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute to respond to Senator NUNN.

Mr. GRAMM. Mr. President, reserving the right to object.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection heard?

Mrs. BOXER. I would like to ask the Senator to yield this side an additional 60 seconds as well. Then I would not object.

Mr. SPECTER. I would be agreeable.

Mr. NUNN. Could the Chair inform us how much time remains?

The PRESIDING OFFICER. Two minutes 45 seconds.

Mr. NUNN. I had 7 minutes the last time. I was answering on the time of the Senator from Pennsylvania. How did I lose the other time?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania had expired, and the Senator from Indiana spoke earlier for 4 minutes.

Mr. NUNN. All right. I defer to the Chair.

Mr. GRAMM. Mr. President, reserving the right to object, I would simply ask 1 minute be added to both sides. That way we would have more time.

Mr. NUNN. Mr. President, I ask unanimous consent we have 5 additional minutes on each side on this question equally divided between the Senator from California and the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. I yield 3 minutes to the Senator from Texas.

Mr. SPECTER. I have a unanimous-consent request for 1 minute.

The PRESIDING OFFICER. The request is for 5 additional minutes of time added equally divided on both sides.

Is there objection?

Mr. NUNN. Mr. President, I would not object to the Senator from Pennsylvania's having 1 additional minute if he wants to propound that.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 additional minute.

Mr. SPECTER. Mr. President, I make a very brief rebuttal to what the distinguished chairman has said.

He may disagree with the conclusion of the district court. The district court may be wrong. What we have to do is analyze the reasoning and the issues.

There was a good deal of testimony before the Senate Armed Services Committee, but I suggest that it is virtually all-conclusive. The specific illustration is anecdotal. I believe that the conclusions and judgments made are to be drawn by the United States Senate.

That is why I say that however replete the record may be, there is a need to have a kind of discussion, debate, and analysis and conclusions here, and when you have a very extensive court opinion of 42 pages, it is worth our consideration.

The issue we have not taken up is what is the impact where someone knows a person is homosexual but not declared.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. GRAMM. Mr. President, let me try to remind people how we came to be here and what the choice is.

The President, in a tough campaign, made commitments to special interest groups that, if elected, he would lift the ban on gay service in the military. The President then took office, set up a commission, looked at the hard facts, and came out with a policy that did not make sense to anybody.

The Armed Services Committee, under bipartisan leadership, put together the best workable policy under the circumstance that could be reached, a policy that we have reached a bipartisan consensus on given where the President is. That policy is now part of this bill.

The Senator from California would have us strike that workable policy and give this issue back to the President. There is no evidence the President wants the issue back. There is no evidence that the President is unhappy with what the Armed Services Committee did.

So the question is, Should we override the good work of the Armed Services Committee in making the best out of a bad circumstance in preserving a policy that will maintain recruitment and retention and keep the finest young men and women in uniform that we have ever had in uniform in the history of the country there?

I do not think we ought to put this ball back in the President's court. I do not think the President has asked for it back. I am not aware of an official White House position in support of this amendment.

What the Armed Services Committee has done, under the leadership of Senator NUNN and Senator COATS, is take a bad circumstance and come up with a workable policy, the best policythat could be put together under the circumstance. I think they deserve our support. I hope my colleagues will look at what they have done and recognize that this is a difficult and dangerous circumstance.

I have gone all over my State and talked to the people who really run the military, not the generals, but the sergeants. They tell me they could not have made the President's policy work. They believe they have a fighting chance to make the policy the Armed Services Committee put together work.

I think we ought to support our people in uniform, so I urge my colleagues to reject this amendment. Do not put this ball back in the President's court. The President has not asked for this ball back. The Armed Services Committee did a good job. Let us support them in this effort.

I yield back to Senator NUNN the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. May I ask what the time situation is?

The PRESIDING OFFICER. The Senator from California controls 12 minutes 37 seconds. The Senator from Georgia controls 4 minutes 24 seconds.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senators ROBB and FEINGOLD be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise in support of the Boxer amendment. It truly reflects the President's policy. It is fair, and, most importantly, it gives the President and the armed services flexibility to implement the new policy on gay men and lesbians in the military.

I commend Senator BOXER for offering this amendment. The committee bill is not the President's policy. It is not the whole policy. It is selective, and it locks the President and the armed services into a policy that they did not propose.

I do not think we should be writing this policy into law at all. We should continue the current practice of allowing the President and the military, through the Uniform Code of Military Justice, the flexibility to implement the policy.

Frankly, we do not know if this policy will work. Suppose it does create a situation where tougher behavior standards are not in place. Suppose it creates a situation that allows sexual harassment of especially women and young men in our military. Suppose it does not work. The President would not be able to change it. He would have to come to Congress, and we would end up back here on the floor of the Senate for another lengthy debate. Precisely because of the arguments that are put forward on both sides of this issue today and the questions that are raised, we should not be codifying this law. We should allow the President and the military services the ability, with the Joint Chiefs of Staff, to get together to make sure this policy works and to continue the current practice of allowing them to put this policy in place.

Codifying this law would be a mistake for both sides. I think it is time to get past politics and to do what is right, to leave the policy in place as it is and to support Senator BOXER's amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I give my strong support of the amendment put forward by my colleague from California—Senator BOXER.

Opportunities for gay men and lesbians to serve in the Nation's Armed Forces is the latest chapter in the unfinished business of America—which is, and always has been, liberty and justice for all.

This Nation was founded on the principles of equality and opportunity. If we do not end discrimination whenever and wherever it exists in our society, then America is not America. We have been here before, and we will surely be here again. For our country—the work goes on.

The issue is not whether gays should serve in the Armed Forces. They already do, and with great distinction. All members of the Armed Services Committee have long since acknowledged that. The issue is whether they will have to lie about their private lives in order to be able to serve their country.

The task before us is how to move toward greater opportunity in the Armed Forces in a sound and effective manner that achieves the goals of individual liberty and military efficiency.

Military efficiency exists for the sake of our liberties, and not for its own sake—and we must never forget that fact.

The purpose of our Armed Forces is not simply to defend land, but to protect ideals. A military that denies those ideals to its members defeats its own most basic purpose.

A nondiscriminatory even handed approach to integrating openly gay men

and lesbians into our Armed Forces is precisely what was recommended by the Rand Corp.—commissioned to address this issue by the Pentagon.

The Rand study reiterated the importance of focusing on misconduct—rather than establishing a litmus test based on sexual orientation. According to the study:

Only one policy option was found to be consistent with the findings of our research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations.

The compromise formulated by President Clinton takes a first step toward the goal of opening the opportunity of military service to all qualified and committed Americans. It is a serious mistake to write this transitional step into the ironclad language of a statute. I urge the Senate to adopt the Boxer amendment.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATOR KENNEDY

I joined four other members of the Committee in voting against the amendment, entitled "Policy Concerning Homosexuality in the Armed Forces," which was offered during Committee consideration. I voted against the amendment because I believe it attempts to set in stone an unfair policy of discrimination against gay men, lesbians, and bisexuals in the United States armed forces.

I also voted against the amendment because I do not believe it is appropriate for Congress to micromanage the Department of Defense on issues concerning the qualifications for and conditions of service in the armed forces, absent compelling evidence of discrimination and unfair treatment in those qualification or conditions. For example, in 1991, Congress acted to remove the codified ban on women in combat aircraft, thereby providing the military with greater discretion in this area. In this legislation we take action to remove the ban on women in combat ships. By contrast, the codification of the policy on homosexuals restricts the authority of the Department of Defense, giving it less flexibility to shape and implement its policy.

I also challenge the validity of the legislative findings in the amendment that are intended to provide a justification for the policy. These findings were derived in large part from the controversial hearings the Committee held on this issue. In order to enable courts to assess the adequacy of these findings, I write to recount these hearings in some detail.

INTRODUCTION

The policy put forward by the Administration on July 19, 1993 on the service of gay and lesbian Americans in the military is a step in the right direction, but only a first step. It is far less than a clear policy of non-discrimination would require. Thousands of gay men and lesbians currently living a lie in order to serve their country deserve better. This issue will not be settled until true freedom from discrimination is achieved.

From the beginning, members of the United States Armed Forces have fought and died to defend the fundamental principles of liberty and justice upon which this nation was founded. One of the most important of those principles is that all individuals are to be judged by their abilities, not misjudged by the misperceptions of others.

During this long history, the military has faced a range of difficult social challenges that involve not only the defense, but the very definition of our nation. Time and time again, the armed forces have demonstrated the character to rise to the occasion. And, in the process, has been made toward a stronger and truer America.

But progress is seldom easy. Often it comes step by step, not leap by leap. Prejudice is deeply ingrained. But in the end, people can and do change—and America moves forward.

This latest chapter in the great unfinished business of our nation—which truly is "liberty and justice for all"—will continue to unfold. If we do not end discrimination wherever it exists in our society, then America is not America. We have been here before, and we will surely be here again. For our country, the work goes on until the ban on the service of gay and lesbian Americans is finally a fully lifted.

A. HEARINGS

1. History and Legal Issues

The first hearing was described as an objective presentation of the history of the ban and the legal issues surrounding a potential lifting of the ban.

With regard to the history of the ban, the Committee heard from Dr. David Burrelli of the Congressional Research Service. Dr. Burrelli, while performing an admirable job based on the extent of his experience, is not an expert in this area. His presentation of the history of the ban was derived primarily from secondary sources, including Allan Berube's book "Coming Out Under Fire: The History of Gay Men and Women in World War II" (New York: Free Press, 1990).

Unfortunately, the Committee did not hear from Allan Berube. Nor did the Committee hear from Dr. John D'Emilio, a Professor at the University of North Carolina at Greensboro and a historian with significant knowledge in this area. Nor did the Committee hear from Dr. Richard H. Kohn, currently President of the Society for Military History and author of an article entitled "Women in Combat, Homosexuals in Uniform: The Challenge of Military Leadership."[1]

It was unfortunate that the Committee did not receive a detailed and sophisticated analysis of the history of the ban and how the rationale for the exclusion has changed over time. I believe such a description would have been quite enlightening for Members of the Committee. For purposes of the hearing record, I recently have submitted a detailed history of the ban, written by Allan Berube.

On the legal issues surrounding the potential lifting of the ban, the Committee heard from Mr. David A. Schleuter, Professor of Law at St. Mary's University, Mr. Stephen A. Saltzburg, Professor of Law at George Washington University, and Mr. Charles Dale, from the Congressional Research Service.

Prof. Schlueter and Prof. Saltzburg are experts on military law, including the Uniform Code of Military Justice. Neither individual is an expert in constitutional law. Despite that fact, both individuals testified at length regarding the constitutional implications of either maintaining or lifting the ban.

For example, Prof. Schlueter told the Committee during his oral testimony that "[a]lthough entry into the armed forces is now voluntary, there is no right, no constitutional right, to such entry." (Reuters Transcript from the Senate Arms Services Committee Hearing on "The historical and legal background of the ban on homosexuals in the military," dated March 29, 1993 (hereinafter referred to as "RT1"), at 2.)[2] Prof. Schlueter never explained, however, the relevance of this assertion—which has been made repeatedly by those supporting the ban—to the issue at hand. Even if one accepts that there is no constitutional right to serve in the military, that does not end the constitutional inquiry. For example, while it is well accepted that there is no constitutional right to a job in the federal bureaucracy, the federal government is still barred from firing or refusing to hire individuals based on unconstitutional grounds. *See, e.g., Davis* v. *Passman*, 442 U.S. 228 (1978); *Norton* v. *Macy*, 417 F.2d 1161 (D.C.Cir. 1969) (sexual orientation). Similarly, the government cannot have a policy prohibiting certain classes of people from serving in the military (for example, African-Americans, Jews, or women) if that policy would violate constitutional requirements. Prof. Schlueter's unamplified comment nevertheless became Finding #2 of the amendment.

Prof. Schlueter spent much of his testimony on what he described as "a legal Rubik's cube, a complicated set of interlocking constitutional and military law issues and competing interests" (RT1, at 2) that would arise from lifting the ban. He then discussed what he termed "the most important constitutional issue" in this area: "the clash of competing privacy and liberty interests." (RT1, at 5.) Prof. Schlueter described the dilemma as follows:

"In the arena of human sexuality, these two rights take on greater importance. Much of the public's attention so far has focused on the privacy rights of homosexuals, that is, the right to choose and practice a particular lifestyle. But it is also necessary to analyze the potential impact on the privacy interest of heterosexual servicemembers. To admit homosexuals into the military arguably advances their personal privacy interests, but it raises concerns about the ability of heterosexual service members to be free from unwanted advances or unnatural attention from those who find them sexually attractive." (RT1, at 5.)

Prof. Schlueter further noted that a servicemember's home is often "a small two-person tent, a shared barracks room, a cramped berth in a submarine, or an open bay barracks," and therefore "what little privacy exists in such conditions is highly treasured." (RT1, at 5.) Prof. Schlueter ended his oral testimony with the following admonition to the Committee:

[1] The Campaign for Military Service, a short-term, broad-based campaign effort to support the President's initial stated desire to lift the ban on gay people in the military, presented the staff of the Senate Armed Services Committee with a list of possible witnesses for the staff's consideration, together with background information on each of the witnesses. The original looseleaf binders presented to the Committee are on file with the Legislation Clinic at Georgetown University Law Center, which houses the archives of the work of the Campaign for Military Service.

[2] The numbering relating to Reuters Transcripts here and elsewhere in this report corresponds to the numbered portions of the transcripts as designated by Reuters.

"[I]n many instances the law is grounded on deeply rooted and firmly held moral and religious values. . . . A key question before Congress is whether the military, as a paradigm of a law-and-order society, should be required to accept or accommodate a status or conduct which some service members, civilians and potential service members, would find unacceptable on moral or religious grounds." (RT1, at 5.)

Although Prof. Schlueter discussed constitutional issues at length, he never mentioned the key Supreme Court cases of *Palmore* v. *Sidoti*, 466 U.S. 429 (1984) or *Cleburne* v. *Cleburne Living Center*, 473 U.S. 432 (1985). This is particularly striking because those cases provide direct guidance on what the government is expected to do when faced with significant rejection of a particular class of people by the public, including situations in which that rejection is based on moral and religious beliefs. (For example, in *Palmore*, it is likely that many white Southerners believed that interracial marriages were wrong, based on either moral or religious beliefs.) *Palmore* and *Cleburne* establish the principle that catering to and accommodating the prejudices of others is not a legitimate governmental objective, even when some harm may result. (For example, in *Palmore*, the court acknowledged that the child of an interracial couple may suffer discomfort and prejudice during her life, but that was not a basis for removing the child from her interracial family.)

Prof. Saltzburg, who also focused extensively on constitutional issues, was more open than Professor Schlueter to the possibility that the ban on gay people could be lifted without insurmountable legal or practical problems. For example, in his oral testimony, Prof. Saltzburg noted that "the integration of the races and the sexes was not welcomed by the military services," but that such integration was ultimately accomplished by "adding quality people in uniform." (RT1, at 8.) Prof. Saltzburg further noted that "[w]e have learned * * * that change can be accommodated more quickly than many would predict, provided the leadership of the military services commits to making the change work." (RT1, at 8.)

In his written testimony, Prof. Saltzburg attempted to take on the privacy dilemma, noting that military officials acknowledge that homosexuals have performed well in the armed services for years and thus heterosexual servicemembers have presumably lived in close quarters with gay people for years. (Statement by Stephen A. Saltzburg before the United States Senate Armed Services Committee, dated March 29, 1993 ("Saltzburg Statement"), at 37-38.) Prof. Saltzburg noted that "the concern is that, once it is clear that certainmen and women are homosexual, military service will be disrupted and privacy interests will be compromised. It must be, then, that showering with another person of the same sex who is homosexual is an invasion of privacy only if the other person is previously identified as homosexual." (Saltzburg Statement, at 38.)

Prof. Saltzburg noted that one way to respond to this concern "would be to prohibit anyone from injecting into the services identification of sexual preferences." He noted that: "This is theoretically possible, but impractical in many circumstances. Men and women talk about their families, their interests, and themselves. Efforts to police all conversations among military personnel are bound to fail and to raise the spector of thought police and totalitarian societies." (Saltzburg Statement, at 38-39.)

Prof. Saltzburg noted, however, that an open declaration of homosexuality is equivalent to a declaration that the person is "different" from other soldiers. This, he postulated, could be divisive in a military that requires the subordination of personal preferences and identities. (Saltzburg Statement, at 39.) Prof. Saltzburg concluded:

"Does this mean that the military services must force homosexuals back 'into the closet' or keep the ban in effect[?] These are two choices that could be made. Arguably, there is a middle ground that might be found, that would require homosexual soldiers not to inject their sexual preferences in any way into their military service, but that would recognize the legitimacy of their private sexual acts and not seek to regulate or punish them." (Saltzburg Statement, at 39-40.)

It is instructive to note that the policy set forth in the amendment adopted by the Committee is more stringent than this middle ground.

Mr. Dale, a legislative attorney in the American Law Division of the Congressional Research Service, presented a basic overview of the state of gay rights law. Mr. Dale did not claim to be an expert in this area but rather a research attorney who could summarize the state of the law. Mr. Dale did not participate significantly in answering questions from the panel.

Both Prof. Schlueter and Prof. Saltzburg testified far beyond their acknowledged area of expertise, that of military law. They ventured legal opinions on the constitutionality of the ban and presented some personal thoughts on issues they believed would be raised by lifting, maintaining, or modifying the ban.

In light of the extensive testimony received from Prof. Schlueter and Prof. Saltzburg, it is unfortunate that the Committee did not hear from preeminent constitutional scholars—such as Guido Calabresi, Dean of Yale Law School, whom I recommended as a witness—to hear their scholarly assessment of the constitutionality of any version of the ban and to elicit their personal views on how to handle difficult issues that may arise. Nevertheless, 120 legal scholars (including Dean Calabresi) prepared written testimony discussing the unconstitutionality of the ban which I have submitted for the record. It is unfortunate that this testimony was not delivered orally so that the Committee would have had an opportunity to ask questions and engage in a dialogue, as Members of the Committee did with the witness before them.

2. Unit Cohesion

The Committee heard from three witnesses on the issue of unit cohesion. The testimony from thesewitnesses was presumably crucial to the Committee's ultimate findings numbered 13 and 15 in the amendment.[3] Thus, an analysis of the substance and accuracy of this testimony is critical. In addition, it is instructive to note which witnesses were not called by the Committee, although these individuals had expertise in the area of unit cohesion as well.

The Committee heard from Dr. William Darryl Henderson, retired Research Fellow at the National War College, Dr. David H. Marlowe, Chief of the Department of Military Psychiatry at Walter Reed Army Institute of Research, and Dr. Lawrence Korb, Director of the Center for Public Policy of the Brookings Institute and former Assistant Secretary of Defense for Manpower in the Reagan Administration. Dr. Korb implemented and enforced the 1982 homosexual exclusion and was recommended to the Committee by me. Dr. Henderson and Dr. Marlowe were chosen by the Committee staff.

In his brief written testimony, Dr. Henderson laid out the elements of unit cohesion. He noted that "small-unit cohesion" is the critical component for sustaining soldiers during war and that servicemembers must be "controlled and led through an internalization of soldier values and personal operating rules that are congruent with the objectives, goals, and values of the organization." (Statement by Wm. Darryl Henderson for the United States Senate Arms Services Committee, dated March 31, 1993 ("Henderson Statement"), at 2.)

Dr. Henderson explained that both horizontal cohesion (among soldiers within a unit) and vertical cohesion (between soldiers and leaders) were critical. With respect to horizontal cohesion, Dr. Henderson offered this assessment:

"Core soldier values that dominate soldier behavior and control the soldier's day-to-day actions in a cohesive unit, are the result of an intense military resocialization process. Fighting skill, physical fitness, stamina, and self-discipline, teamwork, duty or selfless service, and loyalty to unit and leaders are the primary core soldier values and can be used to assess the strength of horizontal cohesion in a unit." (Henderson Statement, at 5.)

With respect to vertical cohesion, Dr. Henderson noted in his written testimony:

"Soldiers desire strong leaders who are capable of successfully dealing with dangerous situations. * * * The most potent source of a leader's power * * * is the leader's ability to cause the soldier to identify with the leader * * *. Successful officers and non-commissioned officers in cohesive units relay a strong sense of personal care, competence, and security to their soldiers which relieves soldier anxiety and gains a degree of influence and control over members of their units often associated with charismatic leaders * * * Such referrent power is based on the satisfaction of the soldier's personal needs for affection, recognition and security through strong identification with a respected leader who has successfully led his unit through situations of danger and hardship." (Henderson Statement, at 5-7.)

Dr. Marlowe's more lengthy written testimony essentially expanded on these concepts of horizontal and vertical unit cohesion. (See Statement by David H. Marlowe before the United States Senate Armed Services Committee, dated March 31, 1993 ("Marlowe Statement"), at 12-14.) Marlowe also noted that the contextual factors necessary to create both horizontal and vertical cohesion were:

1. A common and shared organizational culture and values.

2. Common status and primary identity as *soldiers*, for all members of the unit.

3. A commonly shared language, constructs, and metaphors characterizing members of the primary group.

4. Experiences in which the group collectively undergoes a series of challenges and stresses and successfully achieves a set of goals in which the members of the group see

[3] Finding (13) states: "The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service." Finding (15) states: "The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability."

themselves as having successfully mastered a set of skills and demonstrated their competency executing these skills in order to achieve their goals.

5. Minimal unnecessary turbulence and continuity of tenure within units. (Marlowe Statement, at 14, emphasis in the original.)

In their written testimonies, Dr. Henderson and Dr. Marlowe did not state their views as to whether having openly gay people in the military would impact adversely on unit cohesion. Indeed, their written testimonies bore out what I had heard from both homosexual and heterosexual servicemembers, including enlisted people, noncommissioned officers and officers; the essential component for unit cohesion is for members of a unit to undergo hardships together successfully and to realize by those experiences that they can depend on each other and on their leader. Despite differences in race, religion, ethnicity, or gender, the key element is whether the servicemember perceives himself or herself as a "soldier first" and projects that to others. In addition, it is critical that the person believe in the shared culture and values of the military organization. There are hundreds of gay and lesbian servicemembers who want to go back into the military and thousands more who are currently serving in secret. These individuals have stressed that they view themselves as a "soldier (or Marine or military nurse etc.) first" and that they honor and seek to uphold the values of the military. For this reason, hundreds of gay people have indeed served effectively in the military even when it was common knowledge that the person was gay. I received more than 100 testimonials from homosexual and heterosexual servicemembers making these points and I have submitted a sample of these for inclusion in the hearing record.

Despite anecdotal evidence that known gay people have served effectively in the military, and despite the fact that the experience of shared hardships and adherence to military values is not inconsistent with being gay or lesbian, Dr. Henderson told the Committee, in response to questioning, that introducing "openly homosexual personnel" into small units would cause "severe disruption within these primary groups" and would make "the vertical and the horizontal bonding * * * extremely difficult." (Reuters Transcript from the Senate Arms Services Committee Hearing on "the role of unit cohesion in developing combat effectiveness in relation to the ban on homosexuals in the military," dated March 31, 1993 (hereinafter referred to as "RT2"), at 17). Henderson explained that his assessment of this fact was derived from the high percentage of soldiers who oppose allowing homosexuals into the military and the high percentage of those who believe that allowing gay people in the military would be disruptive to discipline and would result in violence against homosexuals. (RT2, at 17.)

Dr. Henderson also discounted the analogy to the integration of African Americans in the military by asserting that there was greater acceptance by white people of such integration than exists now with regard to gay people. (RT2, at 16.)[4] Dr. Henderson also discounted the experience of other countries who have no ban by dividing them into two categories: countries that place a higher priority on equal opportunity and individual rights than on military readiness (e.g., Canada, Denmark and the Netherlands) and countries that do not appear to have a ban but in practice discharge or sanction open homosexuals (i.e., France and Israel respectively.[5]

Dr. Marlowe had a more mixed response to the question of whether openly gay personnel would be disruptive to unit cohesion. Consistent with this written testimony, Dr. Marlowe focused on whether the person viewed himself or herself as "soldier first." The following comments from Dr. Marlowe indicate his more nuanced and uncertain views on the subject:

Senator Nunn asked: "Dr. Korb has stated his view that the question of whether the presence of openly gay men and lesbians in the armed services would undermine fighting effectiveness cannot be answered definitively until a policy is actually changed. Do you have a view on that?"

Dr. Marlowe answered:

"* * * I'm not quite sure what we mean by openly gay. If a homosexual identity is the primary thing that someone is going to present to the other three men in his tank crew, to the other men in his infantry squad, rather than the identity of a soldier, it's going to make cohesion and incorporation awfully difficult, if his statement is you've got to treat me as an A before I will behave as a B. I think there are a great many issues involved here that haven't been carefully looked at * * * and that it's a more complex issue than we might think going into it, but an issue that can be resolved only at the cellular level where soldier meets soldier." (RT2, at 17.)

Senator Thurmond asked: "Are you aware of cases of homosexuals openly serving on active duty? If so, what was the impact of their presence on unit cohesion?"

Dr. Marlowe answered:

"Senator, anecdotally I have come across cases in which homosexuals have openly served on active duty. [Let me say knowledge that people were homosexual.] The impact on cohesion depended on two things. Whether or not . . . they brought overtly homosexual behaviors into the group, in which case the group extruded them, usually moved to have them put out of the Army, or whether or not it was considered to be his private thing that is not exhibited while on duty.

"The response was very much dependent upon other factors as well relevant to the individual. The critical variable was did the individual behave homosexually in the group or restrict his behavior outside of the group off post." (RT2, at 18.)

I asked: "Dr. Henderson, you and Dr. Marlowe have stated that the core values and I quote, 'common in any first-rate army, are fighting skill, professional teamwork, physical stamina, self-discipline, duty, selfless service, respect for unit leaders and loyalty to the unit.' I'd be interested if each of the panelists can tell us which of these values may not apply or be embraced by gay or lesbian soldiers and how do you know? And tell us any research or fact basis for your belief."

Dr. Marlowe answered:

"Senator, first let me say that I know of no research on the specific issue you're asking about. Extrapolating from what we do know, I would only make the following observation, and I'm repeating myself. It will depend entirely upon the way in which the individual presents him or herself to the group and the primary identity that the individual interacts with the group with."

"If the identity is that of soldier, hewing to the values of soldier and behaving to the standards of soldier, I think you have one set of issues. If the individual insists upon being treated, first and foremost, in terms of a differing primary identity, as happened in Vietnam in terms of drug-using, as has happened in any number of cases, then I think we have another problem."

"So I think what we do get down to is the question that I would ask, which puzzles me, which is frankly, what role does open proclamation of gender preference have in terms of service as a soldier? I haven't been able to find an answer for that question that satisfies me." (RT2, at 19.)

In response to the same question, Dr. Korb answered as follows:

"I reject completely any inference that gay men and women do not embrace the values of the military, which is the desire to serve one's country and to deal with all enemies, foreign and domestic. I think in the military . . . we have people with various backgrounds and various views on every issue, but there's nothing that, with good leadership, would stand in the way of getting the correct values to perform effectively in battle."

"So I don't think that there's any reason why, with proper leadership and training, as well as training of the other members of the group, as we've done to deal with problems caused by the integration of women and blacks, that you cannot achieve the cohesion. In fact, I know we already do." (RT2, at 19.)

Dr. Henderson's response to the question was as follows:

"When recruits come into the service, they don't come into the service with those values. What happens in the military—they are put through an intense resocialization process to achieve those values and give primary loyalty to those values you just mentioned.

"To get to that point, and this is, I think, the essence of what most of us have been saying here, to get to the point to be able to arrive at those values, you've got to have commonality and group goals. You've got to have the subordination of the individual values to the group so that they can be resocialized into those group values.

"If you have gross, widespread dissimilarities in your initial population of recruits, you're going to have an extremely

[4] This is actually a false assertion. In fact, an Army study conducted in May 1942 by the research branch of the Special Services Division of the War Department, found an overwhelming majority of servicemembers strongly opposed to desegregation of the PX and recreational facilities. Another Army study conducted following World War II found that a majority of white servicemembers did not think that racial integration in the military was appropriate. 81% opposed integration in the PX; 83% opposed integration of the service clubs; and 84% stated their belief that there should be no integration of the entire military. Samuel A. Stouffer, et al., "The American Soldier," (Princeton, New Jersey: Princeton University Press, 1949). This point was highlighted in statements made by Dr. Gibson, President of the NAACP and Coretta Scott King, President of the Martin Luther King Jr. Center for Nonviolent Social Change.

[5] This sweeping categorization is also faulty. It is hard to believe that any country, including Canada, Denmark and the Netherlands, would place individual rights over military readiness. In fact, those countries justify their lack of a ban on gay people on the premise that accommodating the human rights of gay people is not incompatible with military readiness. In addition, Israel does not sanction openly gay soldiers and in fact recently reaffirmed its policy of non-discrimination, removing the last vestiges of differential treatment in the security arena. For a comprehensive review of the policies and experiences of foreign militaries, see Government Accounting Office Report "Homosexuals in the Military: Policies and Practices in Foreign Countries", (GAO/NSIAD-93-215) ("GAO Report 2"), and Frank D. Pond, "A Comparative Analysis of Military Policies With Regard to Gays and Lesbians", both of which I have submitted for inclusion in the hearing record.

difficult time in achieving that resocialization process. You're going to have fragmentation. You're going to have personal conflict, and so on.

"So basically what I'm saying is that if you do have severe differences in values in the group, you're never going to be able to achieve the levels of performance in those values you just listed." (RT2, at 18.)

The three witnesses who appeared at this hearing constituted the main source of expert testimony for the Committee on what effect allowing gay people to acknowledge their orientation in the military setting would have on unit cohesion. As the hearing transcript makes clear, there was no unanimity of opinion on the panel. Dr. Henderson was adamant that allowing openly gay people to serve in the military would have a severe and disastrous effect on unit cohesion. In response to my question, Dr. Henderson could not cite any studies that addressed this issue or that substantiated his views. Rather, his answer appeared to be that if a recruit was a gay man or a lesbian, that person would have such a "gross, widespread dissimilari[ty]" from other recruits that the necessary resocialization process to learn military values would not occur. Dr. Marlowe did state that simply saying one is gay could be considered injecting one's homosexuality into the group. In contrast to Drs. Henderson and Marlowe, Dr. Korb testified that his personal experience led him to believe that gay people could serve openly and effectively in the military and that any cohesion problems could be addressed through good leadership.

There are two studies on the issue of gay people in the military that were undertaken by the Department of Defense itself. See Theodore R. Sarbin and Kenneth E. Karols, "Non-Conforming Sexual Orientations and Military Suitability", Defense Personnel Security Research and Education Center, PERS-TR-89-002, Dec. 1988 ("PERSEREC 1"); Theodore R. Sarbin, "Homosexuality and Personnel Security", Defense Research and Education Center, Oct. 1991 ("PERSEREC 2"). In addition, the Government Accounting Office undertook two reports on the issue: one looked at the cost of the DOD's exclusionary policy regarding homosexuals, other nation's military policies on homosexual service, and non-discrimination policies in various domestic paramilitary organizations ("Defense Force Management: Statistics Related to DOD's Policy on Homosexuality" (GAO/NSIAD-92-98S) ("GAO Report 1"); and the other looked exclusively at the military policy regarding homosexuals of 25 foreign countries (GAO Report 2).

The two PERSEREC reports had favorable conclusions regarding the compatibility of the military's needs for unit cohesion and military readiness and the presence of gay people in the military setting. GAO Report 1 found that it was expensive to discharge homosexuals: it cost $28,226 to replace each enlisted person discharged because of his or her sexual orientation and $120,772 to replace each officer so discharged. GAO Report 1 also ascertained that public attitudes in the United States were becoming more accepting of homosexuality; that the domestic paramilitary organizations with non-discriminatory policies regarding homosexuals experienced no adverse effects; and that a variety of foreign militaries permit homosexuals to serve. GAO Report 2 concluded that many foreign countries permit gay men and lesbians to serve without restriction in their militaries. Studying four targeted countries, GAO Report 2 stated that "the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion, or morale." (GAO Report 2, at 10.) Despite the existence of these reports, the authors of these studies never testified before the Committee.

Perhaps the most striking gap in the information provided to the Committee was the absence of the study conducted by the Rand Corporation over the past six months. This study was commissioned by the Department of Defense specifically to inform the debate in a comprehensive, substantive manner. According to reports, approximately forty people (or perhaps more) worked on the Rand study intensively. The Rand Report is probably the best document, and certainly the most current document, on the issues of unit cohesion and military readiness.

The Secretary of Defense testified to the Committee that he had been briefed on the Rand report and had taken that data into account in making his determination. Unfortunately, the Committee was not briefed on this report. I do not believe the Committee was equipped to make the findings #13 and #15 in the amendment regarding unit cohesion and military needs without having seen the Rand Report or having called the authors of the Rand Report to testify.

In sum, I do not believe that findings numbered 13 and 15 of the amendment are substantiated by evidence heard by our Committee. This includes evidence presented in the hearing devoted to the issue of unit cohesion, as well as evidence presented in other hearings. (See below). I also believe that data and witnesses that would have been essential for a fair-minded and objective assessment of the issue were unfortunately not heard by the Committee.

3. International Comparisons

The Committee's third hearing was designed to elicit information regarding the experience of foreign militaries. Four witnesses appeared before the Committee: Professor Charles Moskos, Department of Sociology, Northwestern University; Professor David Segal, Department of Sociology, University of Maryland; Lt. General Calvin Waller (ret.); and Professor Judith Stiehm, Department of Political Science, Florida International University.

None of these witnesses had any longstanding experience with regard to foreign militaries and gay personnel. Professor Moskos was involved in this issue of the domestic front and, indeed, had stated his view in the press that gay people should not be allowed to serve openly in the military. In late November and early December of 1992, Professor Moskos visited Germany and Israel and talked to individuals in those countries. Professor Moskos' testimony focused almost exclusively on Israel and Germany and was based primarily on those interviews.

Professor David Segal, while not having an extensive track record in international comparisons, did a relatively exhaustive study of the policies of other countries. Most of his findings are consistent with the comprehensive report prepared by the General Accounting Office. (See below). Although Professor Segal was less explicit in his testimony before the Senate, he testified before the House Armed Services Committee that the experience of other countries tended to indicate that allowing gay people to acknowledge their identity in a military setting (if they wished to do so) would not harm unit cohesion.

Lt. General Waller provided testimony based on his years in service and his role as second in command during Desert Shield and Storm. Lt. General Waller was adamantly opposed to allowing "avowed homosexuals" who "openly foist their lifestyle upon soldiers, sailors, airmen, and marines" to serve in the military. (Statement by LTG C.A.H. Waller before the United States Senate Armed Services Committee, dated April 29, 1993 ("Waller Statement"), at 2.)

Professor Steihm offered a more positive assessment of the experience of foreign militaries that have no ban on gay people in the military. Her testimony was buttressed by a 100 page document detailing the experiences of foreign countries.

As an overall matter, the hearing fell far short of providing the Committee with comprehensive, reliable data detailing the foreign experience. It was particularly striking that no witness was called who had substantive, detailed knowledge of the situation in Canada and Australia—two countries that are culturally similar to the United States in which similar fears regarding unit cohesion were voiced and which have recently lifted their bans. Nothing in this hearing provided the Committee with reliable data on which to bases findings numbered 13 and 15.

By contrast, the one comprehensive, authoritative study of the experiences of foreign countries was conducted by the General Accounting Office (GAO), at the request of Senator John Warner. The GAO surveyed 25 countries and focused in detail on Canada, Israel, Sweden, and Germany. The first three countries have policies of not discriminating against gay people in the military, while Germany imposes restrictions on gay volunteers.

In the Executive Summary, the GAO states:

"Military officials in all four countries [that were reviewed in detail] said that the presence of homosexuals in the military is not an issue and has not created problems in the functioning of military units. A key factor, they said, was that homosexuals are reluctant to openly admit their sexual orientation for a variety of reasons. For example, (1) sexuality is considered to be a private matter, (2) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation, and (3) homosexuals do not see any advantageto openly identifying their homosexuality. Military officials from Canada, Israel, and Sweden said that, on the basis of their experience, the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale. In Germany, military officials told us that problems associated with homosexual military personnel are dealt with on a case-by-case basis and their service is restricted if necessary."

The authors of the GAO Report never testified before our Committee.

The comments of the GAO that gay people in the military are reluctant to reveal their sexual orientation, even in countries that have no ban, is consistent with the information I have received in letters and testimonials. Gay and lesbian servicepeople desperately want an official governmental policy that provides that status as a gay person, and private, consensual gay conduct, are not grounds for discharge. This would remove the spector of their careers being cut short simply because someone overheard them say they were gay or had credible information that they had engaged in private, consensual sex. Even with such an official policy, however, it is clear to me that many gay people would not be eager to publicly

proclaim their sexual orientation. This self-imposed reticence, which results from an ongoing assessment by homosexual servicemembers of the tolerance of those around them, is one reason why an official policy of non-discrimination would not result in damage to unit cohesion.

4. Members of the Senate

The Committee heard testimony from Senators who supported the ban on gay people in the military and from Senators who opposed the ban. While this hearing was useful in illuminating the beliefs of various Senators, it did not provide any credible basis for findings #13 and #15 of the amendment.

5. Field Hearing

The Committee selected fifteen active duty personnel at Norfolk Navy Base to provide testimony. All but two individuals supported the ban on gay in the military. The high visibility of those who supported the ban, and the low profile of those who opposed it, came as no surprise to me. During the week of the field hearing, I receive over 100 testimonials from heterosexual and homosexual individuals either currently serving at Norfolk or connected with the Norfolk Naval Base.

A common theme ran through these testimonials. All of the individuals were afraid to testify publicly against the ban. Homosexual servicemembers were afraid that their sexual orientation would become known, either during the testimony or after the testimony through an investigation. These people feared that they would lose their careers if their sexual orientation became known. The fact that an opportunity was given to provide "confidential" testimony did not sway these individuals to talk with the Committee. They noted that because the Committee could not assure them of immunity if their sexual orientation became known, they did not want to take the risk of talking.

Heterosexual servicemembers were also afraid to testify against the ban. In their letters, these individuals explained that such testimony could cause them to be suspected of being homosexual, thereby adversely affecting their promotion opportunities. Many of these individuals recounted in detail the atmosphere of fear and coercion that existed in military bases during the time when lifting of the ban was under consideration which precluded these individuals from feeling safe in speaking up against the ban.

A similar situation would have been found in a visit to Norfolk Naval Base in 1948 prior to racial integration.

6. Servicemembers

The Committee also heard from two panels of serving, retired or discharged servicepeople. One panel, consisting of General Norman Schwartzkopf (USA, ret.), Col. Fred Peck (USMC), Major Kathleen Bergeron (USMC) and Command Master Chief David Borne (USN) spoke in favor of the ban on gay people. General Schwartzkopf testified that every time there was a case of a known homosexual in a unit, there was a disruption. Col. Peck testified that he would not want his gay son to be admitted to the military because there was a good chance his son would suffer violence or even death at the hands of fellow servicemembers. Major Bergeron testified that military life was a "24 hour experience" for military families and that she would not be comfortable with her children being around known homosexuals.

A second panel, consisting of former Army Col. Greta Cammermeyer (USA), former Air Sergeant Tom Pannicia (USAF), Sergeant Justin Elzie (USMC), and Chief Petty Officer Steven Amidon (USN) spoke in favor of lifting the ban on gay people. Cammermeyer and Pannicia had been discharged from the military for stating they were homosexual. Elzie was in the process of being discharged for saying he was homosexual. Amidon was heterosexual and still on active duty.

Cammermeyer, Pannicia, and Elzie all testified that when individuals in their unit and/or under their command heard that they were homosexual, there was no disruption in their units or workplace. Amidon testified that, with proper military leadership, there would be no problem in maintaining good order, discipline and morale, and hence unit cohesion, with an openly gay person in the unit.

The hearing consisting of testimony from current and past servicemembers clearly did not provide a unanimity of views. The testimony essentially set the personal experiences and beliefs of one group of military people against the personal experiences and beliefs of another group of military people. This hearing did not provide a credible basis for findings #13 and #15 of the amendment.

While we all have tremendous respect for General Schwartzkopf for his service in Desert Storm, other military officials of similar stature do not share his view. For example, Retired Admiral William Crowe, former Chairman of the Joint Chiefs of Staff, has stated that "arguments against allowing homosexuals in the armed forces are 'generated more by emotion than reason' and the military could adjust to their presence just as it has to minorities and women.' (Washington Post, April 11, 1993.)

7. The Department of Defense

In its final hearing on July 21, 1993, the Committee heard testimony from Secretary of Defense Les Aspin, General Colin Powell, the Joint Chiefs of Staff, General Counsel Jamie Gorelick, and Maj. General John P. Otjen (USA). This testimony focused almost exclusively on the policy agreed to by the President and set forth in a July 19 memorandum from the Secretary of Defense. The testimony clarified that the grounds for discharge of the new policy were identical to the grounds for discharge under the pre-existing ban.

The testimony of the civilian and military officials of the Department of Defense rested on the premise that the simple presence of a person in the military who says he or she is homosexual, or who engages in homosexual acts, is disruptive to unit cohesion. No analysis was presented, however, as to why such individuals would disrupt unit cohesion in a manner that could not be managed through discipline and effective military leadership. The results from the RAND Corporation study were not presented to the Committee during this testimony.

Nothing in this hearing provided the Committee with credible evidence to sustain findings #13 and #15. Rather, these findings were assumed to be true by the witnesses.

B. FINDINGS

Based on this review of the hearings, and on the evidence I have studied, I offer the following comments on the legislative findings set forth in the amendment.

Finding #1: "[T]he Constitution * * * commits exclusively to the Congress the powers to * * * make rules for the government and regulation of the land and naval forces."

Comment: Article 8 of the Constitution clearly confers broad powers on Congress. Congress, in turn, has traditionally delegated to the President broad discretion in enacting rules for the armed forces. This broad discretion has been granted based on the judgment that the Commander-in-Chief deserves flexibility in regulating and maintaining the armed forces.

Finding #2: "There is no constitutional right to serve in the armed forces."

Comment: As I noted above, whether or not this finding is valid, it is irrelevant to the question of whether a ban on service in the military by homosexuals is constitutional.

Finding #3: "Pursuant to the powers conferred by * * * the Constitution * * *, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces."

Comment: While Congress undoubtedly has the constitutional authority to make such rules, it traditionally has delegated such power to the Executive branch. There are good prudential reasons for Congress to refrain from micromanaging the military and to allow the Executive branch maximum flexibility in this area.

Finding #4: "The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise."

Comment: I agree.

Finding #5–#12: These findings continue to set forth premises regarding the role, requirements, and needs of our armed services. I basically agree with these findings. Indeed, I do not believe they have been disputed by anyone during the course of this debate. I make the following observations, however. First, finding #10 should not be viewed as a statutory codification of the *Solario* decision. Rather, because it is a finding, and not a statutory provision, it is properly viewed as setting forth the current state of the law. That is, based on the ruling of the Supreme Court in *Solario*, the armed forces can constitutionally extend the reach of the UCMJ to all conduct by servicemembers, even if that conduct is not "service-related." Second, although finding #12 is correct on its face, it is useful to remember that, in the large majority of cases, our servicemembers are not living in "spartan, primitive" working conditions.

Finding #13: "The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service."

Comment: I disagree. It is certainly true that the prohibition against homosexuals serving in the military is a longstanding practice. But, as I noted above, the Committee did not receive a complete picture of the history of the ban. That history graphically demonstrates that the rationale for the exclusion has changed over the years. Thus, it is misleading to suggest—as this finding does—that the prohibition against homosexualconduct has a longstanding record of reason which has remained unchanged through the decades and that the prohibition "continues to be necessary" today because of the unique needs of the military. Indeed, no empirical evidence was heard by the Committee to support this finding.

Finding #14: The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Comment: I agree. I do not believe there has ever been any dispute on this issue.

Finding #15: "The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts

would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability."

Comment: I disagree. As noted above, the Committee never received any empirical data to provide a credible basis for this assertion. To the contrary, the Committee received conflicting testimony that was based on various individuals' personal experiences and beliefs. Even one of the only two experts on unit cohesion called by the Committee, Dr. Marlowe, distinguished between gay people who publicly declare their sexual orientation to others (Dr. Marlowe believes those people would disrupt unit cohesion) from gay people who engaged in private conduct off-base and do not "inject their homosexuality" into the unit. (Dr. Marlowe believes those individuals would not disrupt unit cohesion.) Finding #15, while absolutely necessary to sustain the policy that follows, has no credible basis. Indeed, the only official studies that have been done in this area (for example, the two PERSEREC Reports and the Rand Report) are contrary to finding #15.

It is informative to note that the President, in his speech presenting this policy, described five facts that he noted "are not much in dispute." The fourth fact was:

"Fourth, the ban has been lifted in other nations and in police and fire departments in our country with no discernible negative impact on unit cohesion or capacity to do the job, though there is, admittedly, no absolute analogy to the situation we face and no study bearing on the specific issue."

While noting that the analogies are not absolute, the President appropriately referred to the nondisruptive results of lifting the ban in the militaries of other countries and in para-military organizations in our country. While this evidence may not be conclusive, it certainly weighs against finding #15, not for it.

The fifth fact cited by the President is also informative:

"Fifth, even if the ban were lifted entirely, the experiences of other nations and police and fire departments in the United States indicates that most homosexuals would probably not declare their sexual orientation openly, thereby making an already hard life even more difficult in some circumstances."

This fact is consistent with the results found in the comprehensive GAO report of June 1993. As noted above, the GAO found that most homosexuals do not openly declare their sexual orientation even when no official ban exists in their military. Thus, it would be possible to adopt a policy that protects homosexuals who state privately that they are gay, and who engage in private gay conduct, and not run the risk of danger to unit cohesion.

C. THE POLICY

The policy set forth in the amendment adopted by the Committee directly tracks the language of the preexisting DOD Directive 1332.14 of January 28, 1982. The amendment provides that a member of the armed forces shall be separated if the person has engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act; if the person states that he or she is homosexual or bisexual; or if the person attempts to marry a person of the same sex.

The Secretary of Defense and the Joint Chiefs strenuously argued before the Committee that the President's policy represented a significant change because "witch-hunts" would no longer take place (i.e., systematic efforts to uncover homosexuals in the military, using among other things, interrogation techniques to force servicemembers to name other gay people in the military) and because investigations would not be initiated on mere rumors, but would require a higher standard of evidence ("credible information") before initiation. If indeed the Committee intends to codify the President's proposal, these positive steps forward should be included in the amendment.

In any event, the Secretary's directives remain in his July 19th memorandum. The experience of the next few years will tell whether that the promises made by the Secretary of Defense and the Joint Chiefs actually result in a better quality of life for homosexuals serving in the armed forces, and whether homosexual servicemembers actually have to "work hard to get on the radar screen," as Secretary Aspin put it, before those individuals are discharged.

The amendment further provides, in subsection (c), that the "Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b)." Subsection (b) sets forth the grounds for discharge described above. Because subsection (e) of the amendment reflects the sense of the Congress that "the suspension of questioning concerning homosexuality as part of the processing of individuals" for entry into the armed forces be continued, I presume that subsection (c) cannot be read to require the Secretary to reinstate the question concerning homosexuality or to reinstate a revised question concerning a propensity or intent to engage in homosexual acts—which is essentially the same question.

In subsection (d), the amendment provides that all members of the armed forces will receive a briefing upon entry, and periodically thereafter, which "shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces." I presume that this briefing will include detailed information about forms of sexual harassment and sexual misconduct applicable to both homosexual and heterosexual members of the armed services.

Subsection (e)(2) of the amendment states that "the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes shall be afforded warnings similar to the warnings under section 831(b) * * * [of the UCMJ]." I strongly believe that servicemembers must be informed of their rights not to answer certain questions. Most servicemembers are currently unaware of these rights. If the Secretary truly wishes to change the "witch-hunt" atmosphere of investigations, appropriate warnings are critical.

D. AN ALTERNATIVE APPROACH

I continue to believe that we could have addressed this issue in a manner that would have affirmed the dignity and humanity of homosexuals and bisexuals in the military and would have met the legitimate needs of the military. The militaries of most of our NATO allies have accomplished this task. Why should we be any less capable than our allies?

As President Clinton noted in his speech on July 19, several distingusihed combat veterans, including Senators Robert Kerry, John Kerry, and my colleague on the Armed Services committee, Charles Robb, haveendorsed a policy more lenient than the one now codified in the Committee bill. A complete lifting of the ban has been endorsed by Lawrence Korb and former Senator Barry Goldwater. As the President noted, Senator Goldwater's statement makes clear that lifting the ban is "a reaffirmation of the American value of extending opportunity to responsible individuals and of limiting the role of government over citizens' private lives."

The President had hoped to be able to offer us a policy that met these words. Secretary Aspin, in testimony before our Committee, said there were two polar positions presented to the Pentagon: on one hand, a strict reaffirmation of the ban, complete with witchhunts, which conservatives desired, and on the other hand, a policy with no limits on conduct placed on homosexuals, endorsement of homosexuality by the military, and the provision of benefits to homosexual couples, which gay activists groups were purportedly requesting.

For purposes of the record, I believe it is important to set forth the official position of the gay rights, civil rights, and religious groups who supported a compromise which embodied a policy of non-discrimination. That position did not call for endorsement of homosexuality or for the provision of benefits to homosexual couples. It also accepted restrictions on the public conduct of homosexuals in the military setting. See "A Comprehensive Proposal for Lifting the Ban on Gay People in the Military," Campaign for Military Service, dated May 20, 1993 and "An Open Statement to President Clinton", Campaign for Military Service, dated July, 1993, which I have submitted for inclusion in the hearing record.

As I said in my statement in the Senate on July 20th, I believe that a policy of nondiscrimination will ultimately be achieved—albeit in steps.

The courts will ultimately determine the validity of this legislation, which is clearly vulnerable to constitutional challenge on equal protection grounds and on first amendment grounds. If the debate on this policy has shown anything, it has shown that the reason for the exclusion of homosexuals from the military has nothing to do with the conduct of homosexuals. Rather, it has to do with the fears and concerns of heterosexual servicemembers who believe (I think, mistakenly) that they do not know any homosexuals and that they could not bear to serve the homosexuals. As the President acknowledged in his speech: "[T]hose who oppose lifting the ban are clearly focused not on the conduct of individual gay service members, but on how nongay service members feel about gays in general and, in particular, those in the military service."

If the Committee's hearings proved anything, they proved this point made by the President. The courts must now determine whether accommodating such fears and prejudices on the part of others is a legitimate government objective which should be met by an amendment of the kind passed by our Committee. As the testimony submitted by over 120 legal scholars demonstrates, accommodating such prejudices would not be a legitimate government objective under current Supreme Court doctrine.

The courts have not bowed to such prejudice in other areas, and they should not bow to such prejudice in this area. Our national and Congressional debate on this issue has clearly stripped away all of the purported rationales for the exclusion of open homosexuals from our military. The one rationale remaining is that the stark, purported prejudice of heterosexual servicemembers will inevitably disrupt unit cohesion, even with

strong military leadership and growing familiarity with homosexual servicemembers.

There clearly are also serious first amendment problems inherent in this amendment. As the debate on this issue has made clear, it is no longer being a homosexual in the military which is the perceived problem. (By contrast, as Berube points out in his testimony, that was the genesis for the original ban because homosexuals were presumed to be inherently mentally unstable.) Rather, the perceived problem today arises when other people learn of the fact that a fellow servicemember is homosexual or has a propensity for homosexuality. For homosexuals, however, the primary way to let others know of their sexual orientation is through speech. The amendment adopted by the Committee directly suppresses this speech.

The courts should invalidate this unfair policy so that gay men and lesbians can serve their country with dignity, honor and honesty. I only wish the Congress could enact such a policy itself.

[From the Washington Post, June 10, 1993]

THE GAY BAN: JUST PLAIN UN-AMERICAN

(By Barry M. Goldwater)

After more than 50 years in the military and politics, I am still amazed to see how upset people can get over nothing. Lifting the ban on gays in the military isn't exactly nothing, but it's pretty damned close.

Everyone knows that gays have served honorably in the military since at least the time of Julius Caesar. They'll still be serving long after we're all dead and buried. That should not surprise anyone.

But most Americans should be shocked to know that while the country's economy is going down the tubes, the military has wasted a half-billion dollars over the past decade chasing down gays and running them out of the armed services.

It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. Some thought gays were crazy, but then found that wasn't true. Then they decided gays were a security risk, but again the Department of Defense decided that wasn't so—in fact, one study by the Navy in 1956 that has never been made public found gays to be good security risks. Even Larry Korb, President Reagan's man in charge of implementing the Pentagon ban on gays, now admits it was a dumb idea. No wonder my friend Dick Cheney, secretary of defense under President Bush, called it "a bit of an old chestnut."

When the facts lead to one conclusion, I say it's time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck we will all be dragged through, and how many brave Americans like Tom Paniccia and Col. Margarethe Cammermeyer will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Some in Congress think I'm wrong. They say we absolutely must continue to discriminate, or all hell will break loose. Who knows, they say, perhaps our soldiers may even take up arms against each other.

Well, that's just stupid.

Years ago I was a lieutenant in charge of an all-black unit. Military leaders at the time believed that blacks lacked leadership potential—period. That seems ridiculous now, as it should. Now, each and every man and women who serves this nation takes orders from a black man—our own Gen. Colin Powell.

Nobody thought blacks or women could ever be integrated into the military. Many thought all-volunteer force could never protect our national interest. Well, it has—and despite those who feared the worst, I among them, we are still the best and will continue to be.

The point is that decisions are always a lot easier to make in hindsight, but we seldom have that luxury. That's why the future of our country depends on leadership, and that's what we need now.

I served in the armed forces. I have flown more than 150 of the best fighter planes and bombers this country manufactured. I founded the Arizona National Guard. I chaired the Senate Armed Services Committee. And I think it's high time to pull the curtains on this charade of policy.

We have the strongest military in the world because our service people respect the chain of command and know how to follow orders. The military didn't want blacks in integrated units or women, and now it doesn't want gays. Well, a soldier may not like every order, or every member of his or her unit, but a good soldier will always follow orders—and, in time, respect those who get the job done.

What would undermine our readiness would be a compromise policy like "Don't ask, don't tell." That compromise doesn't deal with the issue—it tries to hide it.

We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business.

The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

We can take polls. We can visit submarines to get opinions on who are the best citizens. But that is not the role of democratic government in a free society. Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be "straight" to fight and die for your country. You just need to shoot straight.

With all the good this country has accomplished and stood for, I know that we can rise to the challenge, do the right thing and lift the ban on gays in the military. Countries with far less leadership and discipline have traveled this way, and successfully.

When you get down to it, no American able to serve should be allowed, much less given an excuse, not to serve his or her country. We need all our talent.

If I were in the Senate today, I would rise on the Senate floor in support of our commander in chief. He may be a Democrat, but he happens to be right on this question.

When the government sets policy, it has a responsibility to acknowledge facts, tell the truth and lead the country forward, not backward. Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

TOGETHER WE SHALL OVERCOME

(By Coretta Scott King)

The following remarks were delivered by Coretta Scott King at a press conference on Lesbians and Gay men in the military which took place at Dr. Martin Luther King's graveside in Atlanta, Georgia, on June 30.

As you know, President Clinton will soon announce his decision on what to do about the unjust ban against Lesbian and Gay people in the armed services. We are counting on the president to honor his pledge to end discrimination by taking clear and decisive measures to lift this un-American ban, which makes a mockery of civil and human rights in our country.

The arguments that have been raised in favor of the ban are the same arguments that were so often raised against racial integration in the past. Then, as now, we were told that making the military services more inclusive would somehow diminish morale. Then, as now, we were told that military leaders were not prejudiced, but they were concerned about "others" who might feel that way. This is not much different from businesses which cited "customer preference" to justify their refusal to hire African Americans to work in their stores.

Back then certain politicians raised the fear of health risks to oppose integration, and today we hear the same irrational arguments being used to deny Lesbian and Gay people their human rights in the military.

The controversy over this issue indicates that homophobia, as well as other forms of prejudice and intolerance, are serious problems in the military services, as they are throughout our society. Educational programs about the destructive effects of bigoted attitudes should be made a required part of basic training for all branches of the services.

I strongly believe that freedom and justice cannot be parceled out in pieces to suit political convenience, as my husband, Martin Luther King Jr., said, "injustice anywhere is a threat to justice everywhere."

On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible."

Like Martin, I don't believe that you can stand for freedom for one group of people and deny it to others.

Lesbian and Gay people have served their country with honor and courage in the military and other institutions since the early days of American history, and many have paid the highest price to defend the freedoms we cherish as Americans. I might also add that many Lesbians and Gays supported the African American freedom struggle, and I am not going to turn my back on their movement for freedom and dignity.

The great promise of American democracy is that no group of people will be forced to suffer discrimination and injustice. I believe that eliminating this ban altogether will strengthen the military and our country as a whole.

So I join with my colleagues in calling on President Clinton to stand firm against all forms of discrimination in the military and to accept no compromises which undermine the principles of fairness and human dignity. To this endeavor, I pledge my wholehearted support, and with this commitment, together we shall overcome.

THE CAMPAIGN FOR MILITARY SERVICE

ORGANIZATIONS THAT SUPPORT LIFTING THE BAN

AFL–CIO

AIDS Education Services for Minorities.

AIDS Project Los Angeles.

American Association of University Women.

American Bar Association.

American Civil Liberties Union.

American Ethical Union Washington Ethical Action Office.
American Friends Service Committee.
American Jewish Committee.
American Jewish Congress.
American Legion, Alexander Hamilton Post 448.
American Medical Women's Association.
American Nurses Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Anti-Defamation League.
Black Gay and Lesbian Leadership Forum.
Black Lesbian Support Group.
Boston Human Rights Commission.
Catholic Organization for Renewal.
Center for Population Options.
Center for Women Policy Studies.
Church of Women United.
Citizen Soldier.
Coalition of Labor Union Women.
Dignity/Northern Virginia.
Draft and Military Freedom Project.
Equity Foundation, Portland, OR.
Federally Employed Women.
Federation of National Sisterhoods.
Fund for a Feminist Majority.
Gay and Lesbian Alliance Against Defamation.
Gay and Lesbian Community Action Council.
Gay and Lesbian Community Center of Baltimore.
Gay and Lesbian Emergency Media Campaign.
Gay and Lesbian Parents Coalition International.
Gay and Lesbian Utah Democrats.
Gay and Lesbian Victory Fund.
Gay, Lesbian & Bisexual Veterans of America.
Gay Men's Health Crisis.
Hetrick-Martin Institute.
Hollywood Policy Center.
Hollywood Women's Political Committee.
Human Rights Campaign Fund.
Japanese American Citizens League.
Jewish Labor Committee.
Lambda Legal Defense and Education Fund.
Lambda Youth Network.
Legislative Conference for Civil Rights.
Maine Women's Lobby.
Methodist Federation for Social Action.
Mexican American National Women's Association.
NAACP.
National Abortion Rights Action League.
National Association of Social Workers.
National Association of Women for Understanding.
National Black Caucus of State Legislators.
National Campaign for Freedom of Expression.
National Center for Lesbian Rights.
National Council of Jewish Women.
National Federation of Temple Sisterhoods.
National Gay and Lesbian Task Force.
National Lesbian and Gay Law Association.
National Lesbian, Gay and Bisexual Student Caucus.
National Organization for Women.
National Urban Coalition.
National Women's Law Center.
National Women's Party.
New Ways Ministry.
NOW Legal Defense and Education Fund.
Pan-Asian Women.
Parents and Friends of Lesbians and Gays, Inc.
People For the American Way Action Fund.
People for the Ethical Treatment of Animals.
Religious Action Center of Reform Judaism.
Sex Information and Education Council of the U.S.
Southern Christian Leadership Conference.
Southern Christian Leadership Conference of Greater Los Angeles.
Stonewall 25, NCBLG.
Stonewall Union.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations in North America.
United Church of Christ, Coordinating Center for Women.
United Church of Christ Office for Church in Society.
United Methodist Church, General Board of Church and Society Ministry of God's Human Community.
United States Student Association.
Universal Fellowship of Metropolitan Community Churches.
University of Connecticut Women's Center.
University of Utah Women's Resource Center.
Veterans CARE Redwood Empire.
Women for Meaningful Summits.
Women of Reform Judaism.
Women Strike for Peace.
Women's Action for New Directions.
Women's Law Project.
Women's Legal Defense Fund.
Women's Policy Group.
Women's Research and Education Institute.
Young Women's Project.
YWCA of the USA.

CONSERVATIVE SUPPORT FOR A NONDISCRIMINATION POLICY

Many conservatives support lifting the ban on gay, lesbian and bisexual servicemembers. The following are but a few examples.

Barry Goldwater, Former Republican Congressman, Arizona, and Senate Armed Services Committee Chairman; Republican Presidential nominee, 1964. "The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of peoples private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. . . . Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be 'straight' to fight and die for your country. You just need to shoot straight." Washington Post, June 10, 1993.

John Buchanan Jr., Former Republican Congressman, Alabama. "Not a shred of valid evidence suggests that allowing gays to serve openly would diminish the effectiveness of our fighting forces. . . . If leaders like you fail to stand up to discrimination against gays, America will be morally diminished." March 28, 1993 letter to Sam Nunn.

John Chafee, Republican Senator, Rhode Island; Secretary of the Navy, Nixon Administration. "I am one who strongly believes that any problems attendant to allowing homosexuals to serve in the military can be minimized. I'm certain there will be no noticeable deterioration in the quality or readiness level of the armed forces of the United States. As we all know, there are already many homosexuals in the military. My experience has been that when a discussion has taken place on a matter of import in the Navy, and a decision has been reached, that those in command follow the decision." 139 Congressional Record S 1262.

Dr. Lawrence Korb, Assistant Secretary of Defense for Manpower, Reagan Administration. "In final analysis, the military exists to serve society and must be a reflection of that society. . . . Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution, November 22, 1992.

Alfonse M. D'Amato, Republican Senator, New York. "Last Tuesday, I stated a basic but important principle on the floor of the U.S. Senate, namely that no government has the right to discriminate against any of its own citizens. That's why I support allowing gays in the military. It's just that simple. . . . Individuals must be judged by how they perform, not by any other criterion. I can't imagine a more basic conservative position than to believe in individual responsibility and individual freedom." Newsday, February 2, 1993.

Dr. Richard H. Kohn, Chair, Curriculum in Peace, War and Defense, University of North Carolina; President, Society for Military History. "But civilian control means that our military will be organized and will operate according to the nation's needs and desires. . . . To resist would only make the adjustment more time-consuming and disruptive, and would itself undermine military effectiveness. In the long run, the services should find that their effectiveness . . . will be enhanced rather than diminished." Women in Combat, Homosexuals in Uniform: The Challenge of Military Leadership," 1993.

Andrew Sullivan, Editor, The New Republic. "The values that gays in the military are espousing, patriotism and public service, are traditional values. . . . As gays and lesbians, we do not want anything special from America. We merely want to give back to America something of what it has given us, without having to compromise the essence of who we are. That simple, and surely conservative, desire is what is really at issue in the months ahead." New York Times, February 9, 1993.

Marvin Liebman, "One of the fathers of the modern American Conservative Movement;" Newsday Interview: "Silence is the cement that keeps society's hypocrisies together. . . . Drive out these phonies who call themselves conservative, the sanctimonious Pat Robertson and the bully-boy Pat Buchanan. They preach hatred and intolerance. . . . Today you have people like Dan Quayle telling us that homosexuality is a 'learned' behavior. [I didn't 'choose' to be gay.] No more than Quayle chose to be dumb." Newsday, September 23, 1992.

Bishop Thomas Gumbleton, Archdioceses of Detroit. "[I have] been presented with no empirical evidence to support any of these misconceptions or erroneous beliefs. [I am] familiar with a recent government study that showed that gay and lesbian military personnel are no less qualified or effective than any other group. . . . The gospel . . . challenges every Christian to promote respect for all persons in word and action. [I] call on all Christians and citizens of good will to confront their own fears about homosexuality and ask the support of all Catholics to protect the civil rights of all gay and lesbian persons." Affidavit, January 15, 1993.

Bishop Herbert Chilstrom, Evangelical Lutheran Church of America. "We do not ban gay and lesbian persons from becoming pastors in our church. We judge them by their behavior rather than on the basis of sexual orientation." Dallas Morning News, February 13, 1993.

E.J. Dionne Jr., Columnist, Washington Post. "The people who most need protection

from bigotry and discrimination are precisely the most conventional people in the gay community, the people who want to live and work in the mainstream." Washington Post, April 27, 1993.

William Weld, Republican Governor, Massachusetts. "Keep government out of people's pocketbooks and out of their bedrooms." Newsday, September 23, 1993.

Morton Kondracke, Senior Editor, Roll Call. ". . . if there is any institution in American society that can integrate gays successfully it's the military. After decades of shameful witch hunting, it's an experiment we ought to make." Virginian-Pilot And Ledger Star, June 13, 1993.

William Cohen, Republican Senator, Maine. "The argument has been that it will have a negative impact on morale, readiness, unit cohesion, and general fighting capability . . . . These arguments may no longer be valid or are less persuasive. Perhaps they were marshaled in the days of the dark ages and the time has come to allow sunlight to cast an illuminating eye upon unfounded bias or bigotry . . . . "I hope we can conduct an open-minded inquiry rather than react on a knee-jerk basis to how many phone calls and letters we are receiving. They are important, but we need to debate this on a dispassionate basis; otherwise we will find ourselves simply arguing on the basis of bigotry, prejudice and bias." 139 Congressional Record S 752, January 27, 1993.

Dave Durenberger, Republican Senator, Minnesota. "What we are addressing today is not the simple question of whether we approve or disapprove of the sexual orientation of certain individuals. We are discussing whether we have the right to deny some of these individuals the right to serve in the U.S. Armed Forces because of that status. It is a fundamental principle of the American government that we must not discriminate against an individual for having a certain status—a certain gender, religion, sex, race, disability, or age. . . ." 139 Congressional Record S 1087

Jonathan D. Hymer, Livermore, Calif., Author, "Conservative Defense of Gay Rights". "Contrary to what the Pentagon, some members of Congress and the religious right want us to believe, there is no contradiction between maintaining America's military might and lifting the prohibition on service by homosexuals. . . . Those of us who pay the bill are questioning the expenditure of a half-billion dollars on witch hunts. And we are dismayed by the message our government sends to the youth of America by enforcing this policy—that some people are inherently unworthy of sharing this most basic expression of full citizenship." Washington Post, May 17, 1993.

Peter J. Gomes, Professor of Christian Morals, Harvard University. "If the generals were so wrong about race in 1948, why should we think today's general know any more about sexuality in 1993? Fear denies change . . . . With the American people, inevitably, it is not power but rightness that prevails." Sacramento Bee, May 27, 1993.

Graham G. Storey, Navy Veteran. "I am a conservative, Republican, heterosexual military veteran who did not vote for Bill Clinton . . . . However, there was one thing that Clinton promised to do with which I agreed wholeheartedly—to end the ban on gays and lesbians in for which I served, is better than this. It should prove itself so by its actions." Oregonian, December 5, 1992.

MILITARY LEADERS SPEAK OUT IN FAVOR OF A NON-DISCRIMINATION POLICY

Contrary to popular belief that the military is adamantly opposed to lifting the ban on lesbian, gay and bisexual servicemembers, a significant number of military leaders have expressed their support publicly and in letters to President Clinton and members of Congress. The following examples are representative, but hardly exhaustive.

Admiral William J. Crowe, Jr., US Navy, retired. "Arguments against allowing homosexuals in the armed forces are 'generated more by emotion than by reason' and the military could adjust to their presence just as it has to minorities and women." Washington Post, April 11, 1993.

General Barry Goldwater, US Air Force, retired. "It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays . . . . We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order or every member of his or her unit, but a good soldier will always follow orders—and in time, respect those who get the job done." Washington Post, June 10, 1993.

Major General Vance Coleman, US Army, retired. "In listening to the Congressman, the Senators talk about this issue, I really don't understand. They talk about equality and that is not equality. Gays and lesbians can perform. There's no reason why they shouldn't be given the opportunity to perform . . . . It's the same arguments put forth with African Americans." MacNeil/Lehrer Newshour, March 29, 1993.

Brigadier General Evelyn P. Foote, US Army. "We should clear the air once and for all, and permit people to be honest . . . . If you stigmatize a whole class of people, that's not appropriate leadership." San Francisco Chronicle, April 6, 1993.

Captain Lawrence Korb, US Navy, retired. "In final analysis, the military exists to serve society and must be a reflection of that society . . . . Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution, November 22, 1992.

Captain William K. Yates, US Navy, retired. "Scientists are almost universally agreed that homosexuality is neither a choice or a disease. It is a matter of civil right and simple justice . . . . The morale and fighting effectiveness of the military will be undiminished." New London Day, June 2, 1993.

Colonel Karl Cropsey, US Army, retired. "I can say without reservation that the military ban on gay and lesbian service personnel rests on prejudice and fear, not fact. . . . Like every soldier, gay men and women fought for America because we believe what this nation stands for—fairness, equal treatment under the law, civil justice. All we're asking for is the right to serve with dignity, nothing more, nothing less." *Kansas City Star*, May 30, 1993.

Colonel Ronald C. Anderson, US Army, retired. "The ban on homosexuals in the military is blatant discrimination against good, dedicated, high-achieving soldiers who are just as ready to give their lives for our country as the next and who have no intention of breaching the military's discipline or code of justice." May 13, 1993 letter to Senate Armed Services Committee.

Chaplain (Colonel) Charles Dunlap Brown, US Army, retired. "Gay and lesbian soldiers are not asking for special rights, only those rights and freedoms provided by our Constitution for all citizens. . . . The current policy of discrimination denies able bodied men and women the opportunity to serve our country and costs taxpayers millions of dollars each year." April 20, 1993 letter to President Clinton.

Colonel Sam J. Turnbull, US Army, retired. "I served in several units that included both gays and lesbians. They were accepted by others in the unit because they performed their jobs well under competent leaders." June 10, 1993 letter to Members of Congress.

Colonel Richard A. Littlestone, US Army, retired. "Suggested compromises of which we hear would confirm the status quo. It has not worked. The current policy is just plain wrong. Morale and effectiveness is hurt by it now!" June 12, 1993 letter to President Clinton.

Colonel Willian L. Hauser, US Army, retired. "The problem is not status, but behavior, and the military can enforce rules of behavior." New York Times, April 4, 1993.

Commander William R. Bryant, US Navy, retired. "There is no genuine reason that gays cannot serve openly and effectively in our military forces. . . . Most gays simply want to be open and honest and to keep their private lives private, just like you and me. . . . There should be a clear set of rules for sexual conduct for both service men and women." May 16, 1993 letter to Senate Armed Services Committee.

Lieutenant Colonel James R. Letchworth, US Army, retired. "I knew many gays in the military during my twenty year career. They covered all enlisted and officer ranks and served with distinction and were an asset to the military." May 13, 1993 letter to a Senator.

Lieutenant Colonel Beverly L. Trevor, US Army. "Your committee on lifting the ban contains the same ridiculous rhetoric I have heard for barring women from combat positions." May 13, 1993 letter to Sam Nunn.

Lieutenant Colonel Ken C. Williams, US Army, retired. "Changing the policy will *not* degrade military effectiveness any more than integration of blacks did in 1948. Gays are Americans, and if physically and intellectually qualified, should be allowed to serve. . . ." May 12, 1993 letter to Campaign for Military Service.

Lieutant Colonel Chuck Magness, US Army, retired. "We're talking about discrimination against a class of people because of their status and I'm surprised that it's taken the president of the United States to teach us all the difference between status and behavior." *CNN Newsmaker's Saturday*, January 30, 1993.

Lieutenant Commander Timothy L. Davis, US Navy. "The ban on gay men and lesbians in the military is silly. . . . Civil rights are like gun powder. You can't stop people from getting them." May 13, 1993 letter to Campaign for Military Service.

Major William Schneider, US Army National Guard, retired. "We should be judged by our ability, our competence. Gay men and women are not a threat." *Chicago Tribune*, May 16, 1993.

Captain Michael Clarkson, US Army. "I believe the integration of homosexual men and women in the armed forces is more a challenge to leadership and understanding than to discipline and morale." *Gannett News Service*, April 12, 1993.

Captain Thomas W. Ratliff, US Air Force. "I would like you to realize that there are many members of the United States military who support ending the discriminatory ban on gays and lesbians from serving in the military." May 14, 1993 letter to Sam Nunn.

Lieutenant David Zeni, US Navy, retired. "Having served on a 400 foot long nuclear submarine along side 135 men, I can report to you that sexual orientation was never an issue. . . . I am surprised at military leaders who fear that gay service personnel will be beaten, "fragged," and murdered. Are they saying that our military's command structure is so poor that no one has control of the troops? We have an expression in the Navy Community—it goes—'There are no bad ships in the Navy, only bad wardrooms.' This speaks to leadership." May 19, 1993 letter to Sen. J. Lieberman.

Lieutenant George Cooper, US Navy, retired. Member of Golden Thirteen. "Ever since we've had a Navy, there've been gays in the Navy, and it has not ruined that Navy. Gays are in every aspect of this society, and they operate effectively. They operate just like anybody else. They operate just as well as blacks do. This is a part of living in our society today, and we have to accept it and find out ways to live with it. *NPR*, February 24, 1993.

TESTIMONY OF LAWRENCE J. KORB ON HOMOSEXUALS IN THE MILITARY AND UNIT COHESION

Mr. Chairman, members of the Committee, it is a pleasure to appear before you once again. I appreciate the opportunity to discuss with you the critical question of whether changing the policy on gays in the military will undermine unit cohesion. I commend you for addressing this complex and emotional question in an orderly and scientific manner. Since this subject has become an important public policy issue, there have been too many wild and unsubstantiated claims on all sides of the debate.

Regardless of their position on this issue, no responsible person, particularly someone who has served on active duty with the military, would desire to take any step which he or she knew would permanently undermine the unit cohesion or fighting effectiveness of our armed forces. However, the burden of scientific proof must be on those who wish to exclude gays from the military. We cannot infringe on the rights of any American to serve his or her country unless we can convincingly demonstrate that the presence of that person in a unit would prevent the development of cohesion even with the most competent and highly motivated leadership.

All my research and experience tells me that the question of whether the presence of openly gay men and women in the armed services would undermine fighting effectiveness cannot be answered definitively until the policy is actually changed. In many ways, the situation the nation faces today is analogous to that which we faced two decades ago when we made the transition to an All Volunteer Force and allowed women to move into non-traditional areas of military service. During my days in the Pentagon, there were some in the Congress and in the think tanks and universities who argued that a force of volunteers, supposedly attracted only by market incentives, would not fight because their main motivation was money, not patriotism. In fact, the volunteers were often decided by some as mercenaries. Similarly, there were some who said that the presence of large numbers of women in the operational theater would undermine military effectiveness and that, if women were captured and killed in battle, popular support for the conflict would be eroded. It was not until the Persian Gulf War that those myths were debunked.

Much has been made in the media about my supposed change of position on the issue of gays in the military. There is indeed a basis for these stories. As a result of my research and experience in this area, my opinions have indeed evolved over the last decade. This process was similar to the way in which my attitudes toward the All Volunteer Force and women in combat evolved. There was a time when I felt that all able bodied men should be made to serve their country. To this day, I have very strong feelings about those of my generation who beat the draft. Similarly, there was time that I did not believe that my sisters and daughters ought to be allowed to go "in harms way." However, I have come to the conclusion that in a country, that has never figured out who shall serve when not all shall serve, a volunteer professional military is the least worst alternative. And that despite my own biases, there was no good reason to prevent women from being "all that they can be." I might add that two men who have served as Secretary of the Navy in Republican administrations have also recently changed their opinion on the issue of gays in the military.

Those who are, opposed to changing the current policy cite surveys of active duty personnel which show that a vast majority of them are opposed to the change. Given the cues that they have received from their top leadership and the innate conservatism of the military institution, this should not be surprising. But, my research shows that, while in 1943 approximately 80 percent of the whites in the armed forces opposed integration, by 1951, three years after the policy change, that number had dropped to 44 percent. Moreover, some 80 percent of the Canadian armed forces opposed dropping the ban before the Canadian military decided it had no empirical or rational basis to fight the ban in court. Since the ban was dropped, the Canadians have not reported any morale or cohesion problems. There is no scientific reason to suppose that, if the ban against gays is lifted, opinion in the military on this issue will not change.

People opposed to lifting the ban also cite specific cases or anecdotal evidence to support their position. I have no reason to doubt the validity of these cases, but there are plenty of case studies on the other side as well. One needs only to look at recent articles in our major newspapers by General Lucian K. Truscott IV (West Point graduate), Robert Goodwin (special assistant to presidents Kennedy and Johnson), and Colbert King (Washington Post's editorial staff), to see specific evidence that openly gay men have served valiantly in battle without undermining unit cohesion. In addition, court papers reveal that Sgt. Perry Watkins served with distinction in this army as an openly gay man for some 15 years.

In terms of research that bears on the issue, there exists a body of empirical data from militaries around the world as well as police and fire departments in this country. For the most part, these studies reveal that dropping the ban has not undermined morale or cohesion. Countries that allow homosexuals to serve in the military such as Israel, Canada, the Netherlands, and Australia, say that they have not experienced problems that have undermined morale and cohesion. The GAO reported the same finding when they surveyed police and fire officials who have admitted homosexuals into their departments. However, there are those who will argue that these studies are irrelevant, that the U.S. military is "sui generis." Compared to the U.S. these other militaries are "lilliputian" and of course, U.S. police and fire departments do not go on overseas deployments. While there is some truth to this point of view, the experience of other militaries cannot be discounted completely as they have some bearing on the subject. Moreover, Professor Theodore Sarbin, co-author of a 1991 PERSEREC study for the U.S. military, has stated that there is no data linking gays to lower morale or cohesion. Rather he noted that where there's good leadership, there's high morale. Finally, let us remember that the French, Dutch, and Italians who fought and died alongside our men and women in the Gulf allow gays and lesbians to serve openly.

More recently, in March of this year, we have had the strange situation of Captain Pamela Mindt, of the Minnesota National Guard, who was in the process of being discharged as an admitted homosexual, being called to active duty by her unit to deal with an emergency situation.

Is there a probability that morale and cohesion may be undermined temporarily if this policy is changed? Unfortunately, based upon past experience, the answer is yes. Unit cohesion problems existed for many years after President Truman's executive order integrating the services. Unit cohesion broke down completely aboard the USS Kitty Hawk on its way to the Tonkin Gulf in 1972. As a result, 46 sailors were injured in a 15 hour race riot. At about the same time, 130 sailors on the Constellation charged their captain with calculated racism. And we had the wrong kind of unit cohesion among many male naval aviators at the annual Tailhook Conventions during the 1980s and 1990s.

Research tells us that the more dissimilar the group, the more difficult will be the task of trying to create unit cohesion. The dissimilarities can be based upon such things as race, creed, color, gender, philosophy and sexual orientation. But research also shows that proper leadership and training can surmount these impediments. Since our armed forces are composed of people with different backgrounds and values, its leaders have had and will continue to have to adjust to this diversity in building cohesion. As Professor Richard Kohn of the University of North Carolina and president of the Military History Society has stated, cohesion is the result of that bonding that occurs under the shared experience of strict authority and harsh discipline, and may be more difficult to achieve without all the traditional methods of male bonding—but that hardly means it can't or shouldn't be achieved.

Research also shows that changing the policy will not result in wholesale changes of behavior in the ranks. The recent experiences of the Canadians and Australians attest to this, as does the experience of the Dutch since 1974. Therefore, the short-term costs of maintaining unit cohesion caused by changes in the policy are likely to be minimal.

Obviously, there are considerations other than unit cohesion that must go into your deliberations on this issue. However, based upon my military service, policy research, and Pentagon experience, I find no convincing evidence that changing the current policy would undermine unit cohesion any more than the other social changes that society has asked the armed forces to make over the past 50 years. In fact, this change is likely to have less short-term impact on cohesion.

WOMEN IN COMBAT, HOMOSEXUALS IN UNIFORM: THE CHALLENGE OF MILITARY LEADERSHIP

(By Richard H. Kohn)

Bill Clinton's promise to end the ban on homosexuals serving openly in the military,

and the continuing furor over women in combat, threaten an ongoing civil-military battle that could damage military professionalism, alienate an otherwise friendly incoming Administration, and, ultimately, ruin the military effectiveness of the American armed forces for the foreseeable future. Military leaders who oppose these changes ought to consider some facts and principles that might change their minds.

First, history. Women have fought successfully, sometimes integrated with men, as in the World War II Allied underground, where they proved just as adept at slitting throats, leading men in battle, suffering torture, and dying, as men; sometimes segregated, as in Soviet air force units, which produced many female aces fighting the Germans. Homosexuals have for centuries served honorably and effectively in the United States and abroad. Arguments against open service assume that proper policies and effective leadership will fail, even though the services succeeded in integrating African-Americans and women, switching to a draft military in 1940 and then back to an all-volunteer force after 1973, and adjusting to other very divisive social changes over the last half century.

Second, there is fairness. In times of emergency, service is a fundamental obligation no citizen should escape unless disqualified physically or excused on religious or moral grounds, or because their skills need to be used in some other capacity. But also, participation in combat—dying for one's country—has historically enabled minorities to claim the full privileges of equal participation in society, something basic to our form of government. That is why African-Americans for generations "fought for the right to fight" and why combat and military service are so important to women and homosexuals. Combat and service promote equal protection of the laws and undermine prejudice and discrimination.

Third, the very real practical problems can be overcome. Without question, change will be complicated and costly and take time, and military efficiency will suffer in the short term. Unless carefully explained to the American people, these changes could harm recruiting, precisely in those areas and among those groups which have been traditionally supportive of military service. To accommodate women on combat ships and in flying units (few advocate women in ground combat units), facilities and perhaps weapon systems will need modification. There will be ticklish, perhaps intractable, problems of privacy and personal discomfort (there already are in the military). The services will be distracted from their primary peacetime duties of readiness, preparation, and modernization. Leadership at all levels will be challenged to maintain morale and effectiveness in circumstances where, historically, macho behavior and explicit sexual banter helped forge the personal bonds that enabled units to train and fight effectively.

Cohesion, the key to military success, will be more difficult without traditional methods of male bonding. The strict authority, harsh discipline, and instant obedience required for victory in battle have always been subject to abuse, and adding more women and ending discrimination against gay men and lesbians will increase the problem. To deal with it, military leaders will have to redouble their efforts to define appropriate conduct and to punish or expel those in the ranks who cannot or will not control their language and their behavior. The problem, as Tailhook so clearly reveals, already exists; the fundamental issue in the short run will not be attitude, but behavior, and the military can be extremely effective in controlling behavior. The services will have to review policies on acceptable conduct, on and off duty. Research on maintaining cohesion without scapegoating homosexuals and treating women as sex objects will have to be undertaken. The challenge to our military leadership, at all levels, will be enormous, and it will last as long as sexism and homophobia afflict significant portions of our population.

And yet, our military can adjust—once again. It is natural to resist because change poses a diversion from the primary purposes of preparing for and deterring war, and engaging in combat. That is why as outstanding a public servant as General George C. Marshall during World War II opposed racial integration, believing it divisive and concerned that the Army could not afford to act as a "social laboratory" during a national emergency. But civilian control means that our military will be organized and will operate according to the nation's needs and desires. Historically our national security and our social, legal, and constitutional practices have had to be balanced. The services know that military efficiency and combat effectiveness do not always determine our military policies, and less so in times of peace and lessened threat.

If President Clinton follows through on the promise to let gay men and lesbians serve openly, and if, for reasons of fairness and justice, he permits women to fight in combat units at sea and in the air, then the American military must comply, and without resistance. To resist would only make the adjustment more time-consuming and disruptive, and would itself undermine military effectiveness.

In the long run, the services should find that their effectiveness, as in the experience of racial and gender integration, will be enhanced rather than diminished. The strength of our military depends ultimately upon its bonds to the people; the armed forces will be stronger the more they reflect the values and ideals of the society they serve.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, if it is all right with the chairman of the Armed Services Committee, I have a couple other people I would like to yield to before he concludes. Is that all right with him?

Mr. NUNN. I have no objection.

Mrs. BOXER. I yield 2 minutes to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and I thank the Senator from California.

I support her amendment because I think it is generally unwise to legislate detailed military personnel matters because of the inflexibility which would be produced as a result. Congress has the right to do that, but it should not exercise every right that it happens to have.

It would be one thing if the Congress disagreed with the President. Then there would be a need for legislation to change the policy. Legislation would be the only way to do it. But the committee report on this bill states that:

The standards and procedures set forth in the committee's recommendation are consistent with the policy of the Department of Defense as set forth in DOD directives and the policy memorandum issued by the Secretary of Defense on July 19, 1993.

The President's policy regarding gays in the military is based on the fact that many gays and lesbians are currently serving in the military with distinction, and have in the past.

The President's policy is based on the fact that certain conduct, be it homosexual or heterosexual, can be incompatible with military service. Nothing in the current bill language changes that.

The President's policy is based on the belief that military commanders should have the capability to deal with homosexual conduct that represents a threat to unit cohesiveness. Nothing in this language changes that.

It is unwise to put into statutory form, with its needless legislative inflexibility, a detailed personnel practice which has traditionally been left to the executive branch and the uniformed military's directives.

The military is capable of enforcing standards of conduct and policies regarding the acceptable conduct of gays and lesbians and non-gays, without pursuing separation from the military of individuals in the absence of objectionable conduct.

The President's policy, articulated on July 19, 1993, reflects that approach, and was devised by a military working group in careful consultation with the Joint Chiefs of Staff, the Secretary of Defense, the DOD General Counsel and other Pentagon officials. It has been reviewed and endorsed by the Attorney General. This policy replaces previous regulations that stated "homosexuality is incompatible with military service."

The President's policy also comments to treat investigations of violations of the Uniform Code of Military Justice "in an even-handed manner, without regard to whether the conduct alleged is heterosexual or homosexual or whether it occurs on base or off base." DOD will not conduct investigations that are based solely on suspicion that a person has a homosexual propensity.

The President's policy is based on the belief that homosexual orientation in the absence of unacceptable conduct is compatible with military service. The fact that many homosexuals have served with distinction is inscribed in white marble at Arlington National Cemetary and in black granite at the Vietnam Veterans Memorial.

For these reasons, I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 2 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise to support the amendment of the Senator from California which strikes the provisions of the bill before us which codifies the ban on gays and lesbians in the military and substitutes a sense-of-the-Senate.

I want to make it very clear that I oppose the ban, or so-called compromise, proposed by the administration as well as the provisions of the bill before us.

The policy concerning homosexuality in the Armed Forces is also known as the "don't-ask, don't-tell, don't-pursue policy." This so-called compromise position is not a compromise at all, but rather, in my view, a blind capitulation to our most base fears. This policy is not founded upon fact, nor upon empirical evidence. For if it were, then the Department of Defense would have concluded, following the Armed Services Committee hearings, and so advised the President and this Congress, that homosexuality is not incompatible with military service, nor does the sexual orientation of service members or their private conduct represent an unacceptable risk to the Armed Forces high standards of morale, good order, discipline, and unit cohesion, which is the essence of military capability.

If the goal of the hearings, the compromise or the considered deliberations of the Joint Chiefs were to arrive at a policy formulated on a rational basis, then we would not be voting on a measure that rationalizes fears and unfounded truths as this one does. Instead, we would be asking of ourselves and of the proponents, of the ban, have we heard, seen and evaluated any evidence which credibly refutes the Crittendon report of 1957, the Perserec report of 1991 and the Rand study just recently released, all of which found that there is no statistical or otherwise empirical data which show a relationship between homosexuality and documented risk to security, or the effectiveness of a military unit in meeting its mission. Instead, we would be assessing the wisdom of allowing and encouraging the continued waste of the 491 million scarce and valuable training dollars used by the military to retrain those who replaced the 17,000 gay and lesbian service members discharged on the basis of their homosexuality between 1980 and 1990.

Mr. President, I received a letter from a constituent in Milwaukee, who has been discharged for a second time, on the basis of her admitted homosexuality after more than 16 years of service. She was a staff sergeant, Soldier of the Year in her battalion, honor graduate of the Primary Leadership Development Academy, a regular recipient of commendations for meritorious and superior service, and she achieved most of this as an openly lesbian service member. The circumstances of her initial illegal discharge, reinstatement after 4 years and, subsequently, her second release on the basis of erroneous admission, are well documented in the Federal courts and have left her without military benefits, a retirement income and in debt from the legal challenges and defenses.

She writes:

> Does no one realize that if I had committed an act of consummate dishonor—that is, if I had lied, I would next year be retiring from the army. Is this what we shall continue to ask of our youth, that they must lie, be dishonorable and hide, if they are to accept that most worthy of responsibilities of American citizenship: Service in the Armed Forces of America?

Miriam Ben-Shalom of Milwaukee, WI, hits the proverbial nail on the head. I ask you, what could be more of a risk to the Armed Forces' high standards of morale, good order, discipline, and unit cohesion than its own valuable and otherwise loyal service members forced by it to lie in order to serve, forced to hide to live a full life, forced to undermine a system totally dependent upon trust in order to preserve their dignity. It is clear from the example of Miriam Ben-Shalom, that the findings of the Armed Services Committee hearings and the conclusions drawn as evidenced by the President's and this bill's policy regarding the ban on gays and lesbians in the military, are in error and unfair.

For all the commonsense, logical, ethical, empirical reasons that defeat the soundness of this policy, perhaps the most powerful and hopeful reasons are the legal ones. While these principles are subtle, they are fundamental in nature. They are guiding principles and they are embodied in the Constitution. They are binding upon everyone and every institution in America. Freedom of speech and equal protection under the law are guaranteed rights of the citizens without exception, regardless of life circumstance, position or status, even military life.

The proposed policy violates the first amendment by permitting speech that reveals heterosexual orientation, but not homosexual orientation. This is content-based censorship, and as such the Supreme Court considers this type of speech limitation subject to the closest judicial scrutiny. So, even in a military setting, the armed services may not censor speech about sexual orientation on the basis of the point of view of the speaker. Clearly, there is value in treating all soldiers alike. After all, uniformity and unit cohesiveness are essential to military effectiveness. Yet these same elements are used to justify discriminatory treatment.

A policy that treats gay or lesbian service members unequally, also violates the equal protection clause. Equal protection under the law requires that each individual be judged according to their ability, and not the group to which they belong. The courts in evaluating an equal protection claim would require the Government to prove that its discriminatory practices regarding gay and lesbian soldiers is rationally related to a legitimate Government interest. The courts have previously ruled that viewpoints expressed by others that are based on their fears and prejudices concerning another group is not a legitimate Government interest. Both appellate and district courts have said that the Government must show that policy is not based on prejudice.

Even though this policy is touted as progress, we take two steps backward in the pursuit of liberty. Every American institution and instrument of government must necessarily protect the Constitution, and they are bound by it. There can be no exceptions, at any American's expense, no matter how difficult the task.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, may I ask how much time this side has remaining?

The PRESIDING OFFICER. The Senator from California has 3 minutes and 49 seconds remaining.

Mrs. BOXER. And the other side?

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes and 24 seconds remaining.

Mrs. BOXER. I ask that the Senator from Georgia continue at this point. I would like to close the debate.

Mr. NUNN. I will use a couple of minutes now.

Mr. President, just very briefly, there have been a number of things said that I think need to be addressed. I will not have the time to address them all.

First of all, the Senator from Ohio, Senator METZENBAUM, I am told basically took the committee to task for not dealing with sexual harassment.

I am not going to go into detail about all of the things we have done in terms of Tailhook, or the number of confirmation hearings we held over the years, including one very particularly controversial hearing, where sexual harassment has been gone into in detail. And we have dealt very, very strictly with that in our committee.

The best evidence of that, I think, is from the Senator from California, Senator BOXER, who said over and over again to me, publicly and privately, that the Armed Services Committee was responsible for requiring the military to go into great depth on the investigation of Tailhook. And we did. We held up all confirmations of everyone in the Navy and Marine Corps, while the military went back and did the job they should have done to begin with.

So I would completely and totally disagree with the Senator from Ohio's description of the Armed Services Committee on the question of sexual harassment.

I appreciate the comments of the Senator from Michigan, Senator LEVIN,

even though I do not believe he is going to be voting on the same side of this issue with me. I am glad he clarified that this policy and legislation is consistent with the President's policy.

People may not like it, but it is consistent with the President's policy. The general counsel for the Department of Defense, Jamie Gorelick, made that very clear before our committee, both in oral presentations and in writing.

This is consistent with the President's policy, some of the statements to the contrary in the debate notwithstanding.

The third thing I would say is that we heard over and over again that the committee did not get enough evidence.

Mr. President, there have been thousands of cases that the military people who testified before us were referring to when they testified. It is not based on lack of evidence. We did not go into great detail in every case that the witnesses relied on.

Some of the very same people who are now criticizing the committee's position for not having enough evidence were the ones who were saying we were having too many hearings. "Why don't you stop the hearings?", they kept saying. "You have had enough. We do not want any more."

It was interesting to me that some of the same people who wanted the hearings to begin were the ones who were later urging us to stop them. They may have been hearing some things they did not want to hear.

So, Mr. President, I will just close my remarks by saying that I believe that this legislative position is consistent with the President's policy. I think it is, bottom line, as fair as we can be to the individuals involved, while, at the same time, maintaining the kind of unit cohesion and military effectiveness that we expect our military services to be able to carry out and perform for the country.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 1 minute to the distinguished Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. It is my judgment that there should be no ban on homosexuals serving in the military. I testified to this point before the Committee on Armed Services, and I encouraged President Clinton to take action to rescind the ban.

I see no reason whatsoever that homosexuals serving in the military should be a threat to our national security, to the ability of our armed services to carry out their missions, or to heterosexuals who serve in the armed services. Homosexuals, like heterosexuals, should be subject to behavioral requirements which prohibit sexual misconduct and which limit sexual activity to consenting adults during personal time. Those should be strictly enforced for all who serve in the military; there is no place in the Armed Forces for any kind of sexual misbehavior or behavior which intrudes on the privacy or rights of others.

The reality is that many homosexuals have served their country in the military valiantly and with honor. The difference between them and heterosexuals is that homosexuals have been forced to remain absolutely silent with respect to their sexual orientation or they risked being drummed out of the service. That is not fair, and that is not right.

But we are not debating today what the Nation's policy should be with respect to homosexuals in the military. President Clinton has acted to put in place a policy which was deemed acceptable by the armed services and their senior commanders. It is clear that, despite my beliefs and feelings that homosexuals ought to receive equal treatment under the law, support does not exist for further easing the restrictions on homosexuals. I may not like it, but I am a realist and I can count votes.

Senator BOXER's amendment strikes the codification of the President's policy contained in the Defense Authorization Bill. That is not taking a step forward. It simply avoids taking a large step backward. The debate concerning the treatment that should be accorded in our society to gays and lesbians has just begun in earnest. I fully expect that, while popular sentiment will not turn around instantly, it will, indeed, moderate over time. As it does, the President of the United States should retain the ability, in consultation with the defense civilian and military leadership, to make adjustments in the policy regarding homosexuals in the military—a capability which traditionally has been the President's. Codifying any policy etches it into stone. Of course it can later be altered, but with much greater difficulty. That is neither warranted nor desirable in this situation.

I am very hopeful that President Clinton will act at a later date, as he indicated he would, to ease the restrictions that remain under his order. Equity calls for it, equal application of our laws and constitution requires it, and the facts support it. If we do not remove the codification from the bill before us by voting for the Boxer amendment, the President will not be able to do this; only the Congress will be able to act to do so. That, in my view is unnecessary and unwise. I will vote for the Boxer amendment, and I urge all my colleagues to join in supporting it.

Mr. President, I think it is an enormous mistake to codify what has traditionally been the purview of the President of the United States and our top military commanders. They made a decision and now Congress wants to meddle. And by meddling, Congress is, in effect, making a political statement, and one that I think denigrates the Constitution and the full measure of citizenship in this country.

There are gays in the military today. There will be gays in the future. They have fought with distinction and served with distinction all through the past. They are in every institution in America. They are part of the class of American society. What Congress will do by codifying this is to, in effect, deny them the full measure of their citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mrs. BOXER. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I will be very brief. I have been heard before on this question both in this Chamber and in the Armed Services Committee and elsewhere. In this instance, I hope this body will choose not to codify this particular provision. I agree with the chairman of the committee on so many things. I agree on the need for strong, credible deterrence. I want to preserve unit cohesion. I do not want to do anything to undermine good order and discipline and I take great pride in my 34 years of service to my country.

I believe this particular codification is constitutionally suspect under the first amendment's free speech clause and I think we are unjustifiably impeding the ability of the Commander in Chief and the uniformed services to carry out their own responsibilities. I know it is politically difficult and politically unpopular to vote against codification, but I think it is the right thing to do, and I think eventually those who vote the other way will be regarded much like the Justices in Plessy v. Ferguson in terms of how history will judge the rightness of their vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, if it is all right with the Senator from Georgia, I can complete my remarks at this time. I ask how much time that will be?

The PRESIDING OFFICER. The Senator from California has 1 minute and 24 seconds. The Senator from Georgia has 1 minute 27 seconds.

Mrs. BOXER. Mr. President, I thank my colleagues for the tone and tenor of this debate. I particularly thank the chairman of the Armed Services Committee for his graciousness to me. We

have not agreed on this from day 1, but we have never been disagreeable toward one another, and that to me is very important.

I thank those who came over to the Senate floor to speak on this issue. I think it takes courage to speak on this issue. I particularly want to say to the last two speakers who served their country in Vietnam, for them to come over and to join in this debate means a whole lot to me and I think to this Chamber and to all Americans.

I ask unanimous consent that the Rand report executive summary be printed in the RECORD, as well as a letter from Secretary Aspin which comments on the report, as well as specific parts of the Rand study that deal with the question of unit cohesion and the experience of other countries, as well as a number of editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: OPTIONS AND ASSESSMENT—NATIONAL DEFENSE RESEARCH INSTITUTE EXECUTIVE SUMMARY

OVERVIEW

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit * * * prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that any recommendation by the Secretary should be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1]

On April 1, 1993, the Secretary of Defense asked RAND to provide information and analysis that would be useful in helping formulate the required draft Executive Order. This Executive Summary briefly describes the approach and major conclusions of the study. It then summarizes the major findings that support that conclusion.

Approach

An interdisciplinary team of researchers from RAND's National Defense Research Institute considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited seven foreign countries and the police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of blacks and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion, including the views of current active-duty military personnel, and the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals withimplementing change in large organizations. The results of the team's research are detailed in the subsequent chapters of this report.

[1] Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

The policy option

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the research team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive in assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of the American military were also studied for potentially instructive insights.

The experience of foreign militaries

Researchers visited Canada, France, Germany, Israel, the Netherlands, Norway, and the United Kingdom. With the exception of the United Kingdom, all of these countries permit known homosexuals to serve in some capacity in their Armed Forces. Several broad themes emerged from these visits, with potential implications for the situation facing the United States:

In countries that allow homosexuals to serve, the number of openly homosexuals service members is small and is believed to represent only a minority of homosexuals actually serving.

Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed to the point that a unit might become dysfunctional, action was taken to remove the individual (homosexual or heterosexual) from the unit.

The experience of domestic fire and police departments

Unlike the foreign militaries, domestic police and fire departments function in the American cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length.

Vists to police and fire departments in six cities (Chicago, Houston, Los Angeles, New York, San Diego, and Seattle) resulted in several key findings:

Even where police and fire department policies prohibit discrimination based on sexual orientation, only a very small number of homosexuals acknowledge their orientation, particularly where the environment is perceived as hostile to homosexuals.

Homosexuals who join police and fire departments evidently join for the same reasons that heterosexuals do.

Acknowledged homosexuals are sensitive to the overall norms and customs of their organizations. They tend not to behave in ways that shock or offend, and they subscribe to the organization's values on working problems out informally and within the ranks.

Anti-homosexual sentiment does not disappear. However, heterosexuals generally behave toward homosexuals more moderately than would have been predicated based on their stated attitudes toward homosexuals.

AIDS is a serious concern of heterosexuals and not one that is quickly alleviated by education.

Policies of non-discrimination against homosexuals in these departments have had no discernible effect on the ability of their departments to recruit or retain personnel.

Implementation is most successful where the message is unambigous, consistently delivered, and uniformly enforced. Leadership is critical in this regard.

Training efforts that provide leaders with the information and skills needed to implement policy were essential. Sensitivity training for rank and file, however, tended to breed additional resentment and to be ineffective. Training that emphasized expected behavior, not attitudes, was judged most effective.

The history of racial integration in the United States military

The historical experience of including blacks in the military can also provide some insights concerning the military's ability, as an institution, to adapt to change. These are the key insights:

Starting as early as the final years of World War II and especially during the Korean War, integrated Army units were able to function effectively in all sorts of situations, even in the most demanding battlefield situations, and even if the individuals involved had not experienced prior social integration.

It is possible to change how troops behave toward previously excluded (and despised) minority groups, even if underlying attitudes toward those minority groups change very little.

Leadership matters for implementation—civilian and military leadership must be prepared to work together over a lengthy period to ensure effective implementation of controversial policies. In some cases, civilian oversight of implementation may be necessary.

PUBLIC AND MILITARY OPINION

How any option for ending the restriction on homosexual service will fare depends

critically on its acceptance by the public and by the people serving in the U.S. military. A review of various surveys indicates that U.S. public opinion is divided over this issue. Until recently, roughly half of the population believed that homosexuals should not be allowed to serve. However, a very recent poll indicates that the percentage who believe they should not be allowed to serve under any conditions has dropped to 21 percent. It is worth nothing this is far below the percentage (61 percent) who were against racial integration of the services at the time of President Truman's order to desegregate the military.

Military opinion is overwhelmingly against allowing homosexuals to serve. In surveys and RAND-conducted focus groups, a minority of service members expressed indifference to or approval of the policy change, and women were less opposed than men. A few people in the focus groups believed that the military would be able to cope with the change, just as it coped with racial integration. However, most service members of all ranks expressed opposition and concerns about the effects it would have on privacy, morale, and unit cohesion and about the probability of anti-homosexual violence and the increase of AIDS in the military.

To the extent that changes in policy resulted in changes in the number of acknowledge homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear the violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

As for concerns about AIDS, DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. If there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

UNDERSTANDING UNIT COHESION

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that"Homosexuality is incompatible with military service."[2] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the cohesiveness of that unit. Unfortunately, the subject has not been studied specifically, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives. The literature also indicates the following:

If some members of a unit cannot accept the presence of an acknowledged homosexual, the result will probably involve some degree of ostracism of the homosexual, rather than a complete breakdown of the unit. Whether this occurs will depend partly on the conduct, competence, and loyalty of the homosexual individual in question.

Some heterosexuals might refuse to cooperate with known homosexuals. However, many factors will help to promote cohesion and performance even in the face of hostility toward homosexuals. First, research suggests that leaders play an important role in promoting and maintaining unit cohesion. Second, military roles, regulations, and norms all enhance the likelihood that heterosexuals will work cooperatively with homosexuals. Third, external threats enhance cohesion, provided that the group members are mutually threatened andthere is the possibility that cooperative group action can eliminate the danger.

Disruptive behavior or behavior that polarizes a unit or renders it dysfunctional, whatever the cause of the behavior, can undermine military effectiveness and should not be tolerated. Although some disruptions might result from having acknowledged homosexuals serving in the military, the literature on cohesion does not provide a basis for predicting the magnitude of the increase. Senior military leaders have stated that, in their professional judgment, the effects would be substantial. The experience of analogous organizations such as foreign militaries and domestic police and fire departments suggests that any increase is likely to be quite small. Because the magnitude of the problems cannot be predicted, military leaders must have tools available to help them manage potential disruptions and to implement the policy change successfully.

A POLICY OPTION FOR ENDING DISCRIMINATION

Based upon the research summarized above, a number of ways to respond to the President's directive were identified. A policy that focuses on conduct and considers sexual orientation, by itself, as not germane in determining who may serve was judged to meet the President's criteria and to be most consistent with the research findings. Such a policy emphasizes actual conduct, not behavior presumed because of sexual orientation, and holds all service members to the same standard of professional conduct. It requires tolerance and restraint to foster the good of the group, but implies no endorsement of a "homosexual lifestyle."

An illustrative "Standard of Professional Conduct" was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization. Similar standards have been used effectively in other organizations and foreign militaries and are analogous to the "good order and discipline" and "conduct unbecoming" provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals would be asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual orientation.

A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.

A list of categories of inappropriate conduct, including personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.

Application of these standards by leaders at every level of the chain of command, in a way that ensures that unit performance is maintained.

The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that commanders judged inimical to effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. If sexual orientation is regarded as not germane in determining who may serve in the military, it is equally not germane to decisions on assignment, pay, military specialty, or benefits. On issues such as recognizing homosexual marriages or conferring benefits on homosexualpartners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago. However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy has already been developed: Individuals act in ways that do not intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guarantees of privacy.

If sexual orientation is regarded as not germane in determining who may serve, enclosure 3H of the DoD regulations concerning administrative separation (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[3] They have historically been applied

[2] Department of Defense Directive 1332.14, "Enlisted Administrative Separations," Enclosure 3H.

[3] From the perspective of homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequence could be that

differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consenting sexual behavior or sexual acts with a minor.[4] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

IMPLEMENTATION ISSUES

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record opposing any change, it will be necessary, if a change in policy is selected, that these and other leaders signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.

The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist and to seek to "prove" that the change will not work.

Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, efforts to teach tolerance would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.

Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experiences, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal thatthe change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.

Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may be a useful device for ensuring that the change is understood and occurs rapidly.

A monitoring process should be established to identify any problems early in the implementation process and address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

ISSUES OF CONCERN: VIOLENCE AND AIDS

Focus groups with active-duty personnel, surveys of military personnel, testimony at Congressional hearings, and media reports have raised concerns about anti-homosexual violence and the possibility that AIDS would increase among military personnel if acknowledged homosexuals are allowed to serve.

VIOLENCE[1]

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence or threats of violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of racial integration in the U.S. military, foreign militaries, and domestic police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

HIV TRANSMISSION AND AIDS[2]

DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less to estimate its magnitude. However, if there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all service personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

UNDERSTANDING UNIT COHESION[3]

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."[4] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the cohesiveness of that unit. Unfortunately, opinion on this issue is intuitive or based on anecdote. There has been no systematic study of this subject, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is the commonsense observation that it is not necessary to like someone to work with him or her, so long as members share a commitment to the group's objectives. This conclusion was also borne out in the review of racial integration in the military, as discussed above.

"Cohesion" is a concept with many definitions and sources. While military researchers sometimes refer to "horizontal" cohesion, meaning the bonding of members of a group, and "vertical" cohesion, referring to the bonds between leader and members, these concepts are not widely used in the research literature. Leadership is recognized as an important aspect of military performance (and can have an effect on cohesion), but "cohesion" is generally used to refer to the forces that bond individuals together as a group. This notion of cohesion, in turn, can be generally divided into two important types: social cohesion (intragroup attraction) and task cohesion (commitment to shared goals and objectives). Cohesion can thus also be distinguished from other concepts such as morale, a concept more meaningfully applied to individual attitudes toward a larger group.

Research has shown that many factors can produce social and task cohesion. Simply being assigned to the same unit predisposes the group members to at least a moderate level of cohesion. Length of time together, a history of success experiences, and a sense of shared fate or interdependence all enhance a unit's cohesion. Sharing similar traits or values enhances social cohesion, but it is not necessary for task cohesion, so long as the individuals share a commitment to the group's mission.

In general, research has identified a positive, though not strong, association between cohesion and performance. However, the relationship between cohesion and performance is not a straightforward one. First, the effect of successful performance on cohesion appears to be stronger than the effect of cohesion on successful performance. Second, it appears that the positive association of performance and cohesion is almost entirely

if 1332.14 is repealed without changing Article 125, the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

[4] Appendix C contains an example of such a revision.

[1] See Chapter 9 for a fuller discussion of anti-homosexual violence.

[2] Chapter 8 contains a more comprehensive discussion of health issues, risk behavior, and the military blood supply.

[3] See Chapter 10 for a more comprehensive treatment.

[4] Department of Defense Directive 1332.14, "Enlisted Administrative Separations," Enclosure 3H.

due to the influence of task cohesion, not social cohesion. Indeed, excessive social cohesion sometimes interferes with the successful completion of the group's assigned mission.[5]

The lack of direct evidence makes it difficult to predict confidently the effect of the presence of a known homosexual on the performance of the group. Sexual orientation is one dimension on which group members would be dissimilar, and this could reduce social cohesion. Members would share other traits, however, and the precise effect of the presence of a known homosexual on social cohesion is uncertain.[6] While the effect on social cohesion may be negative, the presence of a known homosexual is unlikely to undermine task cohesion, provided that the individual demonstrates competence and a commitment to the unit's mission. Task cohesion, not social cohesion, appears to be what drives successful performance.

THE SECRETARY OF DEFENSE,
Washington, DC, August 26, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR BARBARA: With this letter I am transmitting copies of the Summary Report of the Military Working Group and the Rand report on its research and analysis entitled "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments."

These documents formed the basis for the new policy giving the opportunity to serve to those who, as the President put it, "are willing to play by the rules, able to serve and make a contribution."

As is generally known, the recommendations of the Military Working Group provided the basic approach to the issue from which the specifics of this new policy on homosexuals in the military were developed. Less well known is the role of the work done by Rand that is now recorded in its final report.

What Rand's systematic research and analysis showed was that a policy change could be successfully implemented. That research and analysis was available to policy makers in the form of briefings prior to formulation of the new policy. Here are some of the pertinent points we drew from Rand's work during our deliberations:

"[T]here is ample reason to believe that heterosexual and homosexual military personnel can work together effectively."

Task cohesion in a unit, the ability to work together to accomplish a mission, is a more important factor in mission success than social cohesion, which relates to personal friendship and association.

There is no reason to expect a reduction in enlistments following a change in the policy regarding service by homosexuals.

There were many more, of course. For the future, Rand's proposal for a code of conduct may have broader application than the issue of homosexuals in the military. Changes in gender status and relations going on now in the armed services suggest that a clear, fair set of rules on conduct could benefit everyone.

Sincerely,

LES ASPIN.

[5] Examples where excessive social cohesion could undermine group performance include socializing among the workforce, "rate busting," groupthink, and mutinies.

[6] Acceptance of known homosexuals in police departments appears to be much greater, for example, if the individual is recognized as a "good cop," rather than a "gay cop." See the discussion in Chapter 4 on this topic.

[From the Washington Post, June 10, 1993]

THE GAY BAN: JUST PLAIN UN-AMERICAN

(By Barry M. Goldwater)

After more than 50 years in the military and politics, I am still amazed to see how upset people can get over nothing. Lifting the ban on gays in the military isn't exactly nothing, but it's pretty damned close.

Everyone knows that gays have served honorably in the military since at least the time of Julius Caesar. They'll still be serving long after we're all dead and buried. That should not surprise anyone.

But most Americans should be shocked to know that while the country's economy is going down the tubes, the military has wasted a half-billion dollars over the past decade chasing down gays and running them out of the armed services.

It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. Some thought gays were crazy, but then found that wasn't true. Then they decided gays were a security risk, but again the Department of Defense decided that wasn't so—in fact, one study by the Navy in 1956 that has never been made public found gays to be good security risks. Even Larry Korb, President Reagan's man in charge of implementing the Pentagon ban on gays, now admits it was a dumb idea. No wonder my friend Dick Cheney, secretary of defense under President Bush called it "a bit of an old chestnut."

When the facts lead to one conclusion, I say it's time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck we will all be dragged through, and how many brave Americans like Tom Paniccia and Col. Margarethe Cammermeyer will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Some in Congress think I'm wrong. They say we absolutely must continue to discriminate, or all hell will break loose. Who knows, they say, perhaps our soldiers may even take up arms against each other.

Well, that's just stupid.

Years ago I was a lieutenant in charge of an all-black unit. Military leaders at the time believed that blacks lacked leadership potential—period. That seems ridiculous now, as it should. Now, each and every man and woman who serves this nation takes orders from a black man—our own Gen. Colin Powell.

Nobody thought blacks or women could ever be integrated into the military. Many thought an all-volunteer force could never protect our national interest. Well, it has—and despite those who feared the worst, I among them, we are still the best and will continue to be.

The point is that decisions are always a lot easier to make in hindsight, but we seldom have that luxury. That's why the future of our country depends on leadership, and that's what we need now.

I served in the armed forces. I have flown more than 150 of the best fighter planes and bombers this country manufactured. I founded the Arizona National Guard. I chaired the Senate Armed Services Committee. And I think it's high time to pull the curtains on this charade of policy.

We have the strongest military in the world because our service people respect the chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier may not like every order, or every member of his or her unit, but a good soldier will always follow orders—and, in time, respect those who get the job done.

What would undermine our readiness would be a compromise policy like "Don't ask, don't tell." That compromise doesn't deal with the issue—it tries to hide it.

We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business.

The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

We can take polls. We can visit submarines to get opinions on who are the best citizens. But that is not the role of a democratic government in a free society. Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be "straight" to fight and die for your country. You just need to shoot straight.

With all the good this country has accomplished and stood for, I know that we can rise to the challenge, do the right thing and lift the ban on gays in the military. Countries with far less leadership and discipline have traveled this way, and successfully.

When you get down to it, no American able to serve should be allowed, much less given an excuse, not to serve his or her country. We need all our talent.

If I were in the Senate today, I would rise on the Senate floor in support of our commander in chief. He may be a Democrat, but he happens to be right on this question.

When the government sets policy, it has a responsibility to acknowledge facts, tell the truth and lead the country forward, not backward. Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

REMARKS BY CORETTA SCOTT KING PRESS CONFERENCE ON LESBIANS AND GAYS IN THE MILITARY, DR. KING'S GRAVESITE—ATLANTA, GA, JUNE 30, 1993

As you know, President Clinton will soon announce his decision on what to do about the unjust ban against lesbian and gay people in the armed services. We are counting on the President to honor his pledge to end discrimination by taking clear and decisive measures to lift this unamerican ban, which makes a mockery of civil and human right in our country.

The arguments that have been raised in favor of the ban are the same arguments that were so often raised against racial integration in the past. Then, as now, we were told that making the military services more inclusive would somehow diminish morale, then, as now, we were told that military leaders were not prejudiced, but they were concerned about "others" who might feel that way. This is not much different from business which cited "customer preference" to justify their refusal to hire African-Americans to work in their stores.

Back then certain politicians raised the fear of health risks to oppose integration, and today we hear the same irrational arguments being used to deny lesbian and gay people their human rights in the military.

The controversy over this issue indicates that homophobia, as well as other forms of prejudice and intolerance, are serious problems in the military services, as they are throughout our society. Educational programs about the destructive effects of bigoted attitudes should be made a required part of basic training for all branches of the services.

I strongly believe that freedom and justice cannot be parceled out in pieces to suit political convenience, as my husband, Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere." On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible." Like Martin, I don't believe you can stand for freedom for one group of people and deny it to others.

Lesbian and gay people have served their country with honor and courage in the military and other institutions since the early days of American history, and many have paid the highest price to defend the freedoms we cherish as Americans. I might also add that many lesbians and gays supported the African-American freedom struggle, and I am not going to turn my back on their movement for freedom and dignity.

The great promise of American democracy is that no group of people will be forced to suffer discrimination and injustice. I believe that eliminating this ban altogether will strengthen the military services and our country as a whole. So I join with my colleagues in calling on President Clinton to stand firm against all forms of discrimination in the military and to accept no compromises which undermine the principles of fairness and human dignity. To this endeavor, I pledge my wholehearted support, and with this commitment, together we shall overcome.

[From VSAT, July 20, 1993]

CLINTON POLICY ON GAYS DOESN'T GO FAR ENOUGH

(Our view the only support for continued discrimination against gays is blind prejudice and ignorance).

President Clinton gave in Monday to the politics of prejudice.

His "honorable compromise" on a "new policy" on homosexuals in military service amounts to this:

Tens of thousands of gay and lesbian members of the military must continue to hide who they are.

The military can still discharge them for any kind of homosexual conduct anywhere, anytime—such as kissing a person of the same sex off duty.

What's "honorable" about the military requiring people to live a lie and disemble to keep their jobs? And what's "new" about homosexuality being grounds for dismissal?

The only things the new policy permanently changes are that recruits won't be asked their sexual orientation and the military won't spend millions to track them down once they're in. New investigations will require "credible evidence" of homosexual conduct.

Clinton says that means no more "witch-hunts." But homosexuals, if they say who they are, can still be put through an inquisition. They can still be purged on a whim by some bigot.

So, what does this compromise gain? Clinton hoped to mollify the likes of Sens. Sam Nunn, D-Ga., and Strom Thurmond, R-S.C. He wanted to keep them from enshrining the gay ban into law, thus making it harder to change.

But Nunn says he still plans to write the ban into law. If so, Clinton will have sacrificed principles for nothing.

He should have stuck by them and by the facts that:

No study has shown gay or lesbian military personnel less capable, patriotic or productive than their peers.

Foreign militaries with openly homosexual men and women suffer no loss of morale or efficiency.

Thousands of homosexuals have served heroically and honorably in the U.S. military; their presence is not new.

Clinton's compromise wins little and loses much—a grand opportunity to dispel prejudice and promote individual rights.

CLINTON POLICY GOES TOO FAR

(Opposing view The 'straight' military majority has a right to protection from disease. By William Hamilton)

"Don't ask, don't tell" goes too far because it opens the door for homosexual military service without dealing with the health threats gay males will pose for other members of the military.

Combat is hazardous enough without putting the highest risk group for AIDS and hepatitis on the battlefield or aboard ship.

In combat, the most immediate supply of whole blood comes from the soldier in the next foxhole or the sailor in the next berth. Immediate blood transfusion from one soldier or sailor to another saves lives. A blood transfusion from an AIDS carrier is a death sentence.

If this relaxation of the ban against homosexual military service is allowed by the Congress to stand, the loved ones of our men and women in uniform should insist the ID tags of gay males be imprinted: "Use of this person's blood for transfusions is prohibited."

But how will we know the identities of the most likely AIDS carriers under "don't ask, don't tell"? Implicit in the new policy is greater protection of individual privacy rather than broader knowledge of who is most likely to be carrying AIDS.

The "straight" military majority ought to have some rights, foremost of which ought to be protection from a fatal disease-a disease that comes to its gay male carriers almost always as a result of their practice of anal sodomy.

Implicit in the Clinton argument for gays in the military is the notion that committing sodomy-the defining act of homosexuality-confers upon homosexuals the right to military service. Surely, the Congress will reject this warped notion, not only because it's illogical, but to protect the health of our armed forces.

[From the Washington Post, July 20, 1993]

SHIFTING GROUND ON THE GAY BAN

For the half-century before President Clinton took office, homosexual men or women who sought to serve in the armed forces or whose record of service while in uniform was exemplary were still considered unfit for duty when and if their sexual orientation became known. Nothing else about them was relevant—not their performance, or their character or honor. That 50-year-old rule, which flatly held homosexuality incompatible with military service, was altered yesterday by President Clinton, and in a way that takes the issue to a new place in history.

Under the new Department of Defense policy issued by Secretary Les Aspin, homosexual conduct, will be treated as "a personal and private matter, and * * * not a bar to service entry or continued service unless manifested by homosexual conduct." This change is far less than the more ambitious goals Bill Clinton announced during the campaign—a point he acknowledged yesterday. Consensual homosexual conduct—whether private or public—is still grounds for exclusion from the military. So, in the context of a total lifting of the ban, the new policy may not be the "major step forward" that the president says it is. But it is an important step away from the worst aspects of an unjust policy and practices that penalized and stigmatized men and women who have served their country with pride and distinction.

The more sordid aspects of military life, the witch hunts, entrapments and surveillances of service members based on lone allegations or suspicion of homosexuality, are now banned. Neither will military intelligence or policy units be free or encouraged to launch investigations based on a service member's presence at a gay bar, or a march or because gay literature has been glimpsed in a foot locker. The policy also requires the Uniform Code of Military Justice to be evenly applied—that is, homosexuals and heterosexuals engaging in the same sexual no-nos must be accorded the same treatment by commanders who feel compelled to conduct an inquiry. The whole idea behind the policy is to downgrade the military's official interest in sexuality—provided service members who are homosexuals keep their own proclivities out of sight.

Critics will say the policy still caters to unreasonable fears and biases, and that as a condition of service, homosexuals are being asked to deny who they are. The critics will have it right. But a return to last year's policy would be wrong too. And that's where President Clinton was headed in January if he had unilaterally lifted the ban. He said some of the things yesterday he should have been publicly saying all along, and he did not in the end produce the clean result that his commitment logically required. For this he was somewhat apologetic. But he believes the start he has made will lead inevitably to the eventual honoring of that commitment. That is what those who would have preferred a stronger policy should be hoping, and importantly, working for now. Meanwhile, the worst thing that could happen would be for those of the other side in Congress to try to take things the other way—back to where they were for 50 years.

[From the New York Times, July 6, 1993]

BIGOTRY IS WHAT'S INCOMPATIBLE

President Clinton will soon be faced again with the issue that has caused him more grief than any other: whether homosexuals can serve openly in the military.

There is little doubt that the worst excesses of the past—the witch hunts and mindless expulsions of dedicated soldiers, sailors and aviators—will be ended. The President's strong support for the right of gay soldiers to serve their country has likely achieved that salutary result.

But because he failed to issue an executive order at the start of his term, Mr. Clinton must now compromise on how to enact a new policy. There is simply no other way to win enough support in Congress and the military to make a new policy on gay soldiers stick.

Even so, Mr. Clinton needs to hold firmly to some bedrock values. The President has been right from the start on this issue. Ideally, there should be no ban or restrictions whatsoever based on sexual orientation;

every individual in the military should be judged by performance and behavior. The same rules of conduct should govern both homosexuals and heterosexuals. If Mr. Clinton is now forced to retreat, he must not give away the whole game.

It is astonishing and outrageous that the Joint Chiefs, while willing to liberalize a bit, still want their regulations to embody the assertion that homosexuality is "incompatible with military service." That statement is given the lie by the fact that many dedicated homosexuals have already served with distinction—while being forced to hide their sexual orientation.

The only thing homosexuality is "incompatible with" is bigotry and timidity—the venomous hatred of a minority of gay bashers in the ranks, and the reluctance of higher officers to deal with the problem. If Mr. Clinton knuckles under to the Chiefs on the incompatibility issue, he will have abandoned the core of his principled policy.

Much of the debate among military and civilian officials is now focusing on some version of an approach called "don't ask, don't tell." Under a "don't ask" policy, the military would no longer ask recruits if they are homosexual and would no longer aggressively ferret out and expel homosexuals. But under the "don't tell" element, there would be restrictions on the extent to which homosexuals could acknowledge their homosexuality.

Any regulation that forces homosexuals to lie to keep their orientation hidden would be offensive. For the purpose of political compromise, it may be necessary to accept rules against waving gay rights placards (or any other placards) in the faces of the generals or against kissing in public on military bases. But surely there is no good reason to prohibit gay soldiers from acknowledging their orientation in private, casual conversations with co-workers. And whatever compromise is ultimately reached, the policy needs to apply equally to heterosexuals and homosexuals.

Barry Goldwater, the icon of the conservative movement, had it right when he urged Congress to find "the courage to rally the troops in support of ending this un-American discrimination." So did Coretta Scott King, who called on President Clinton to accept "no compromises which undermine the principles of fairness and human dignity." In deciding just how far to retreat for tactical purposes, Mr. Clinton would do well to heed their advice.

[From the New York Times, July 20, 1993]

GAY SOLDIERS: HALF A LOAF

President Clinton's new policy on homosexuals in the military is a disappointment to all who hoped for an end to unfair, career-threatening discrimination. The President once hoped to lift the ban on gay soldiers, thus liberating gay men and lesbians who have served their country well from fear of discovery and expulsion. But in the end he yielded to fierce opposition and simply modified the ban, ending its worst abuses but forcing homosexuals to hide their private lives if they wish to serve.

Even so, the policy moves in the right direction and is probably the best that can be wrung from a Congress that is unwilling to go further than the Joint Chiefs of Staff will accept. So on practical grounds there is little choice but to take half a loaf. Were Mr. Clinton to fight to the end the most likely outcome would be a Congressional law even worse for gay soldiers.

The President has been right in principle on this issue all along. The old ban on gay soldiers was unfair to dedicated individuals and deprived the service of valuable talent. Homosexuals were screened out by recruiters; if they slipped through the screen they were hunted down by investigators and discharged no matter how long and distinguished their service. So Mr. Clinton deserves credit for asserting, during the campaign and afterward, that the only criterion should be behavior and performance.

But now he has retreated. The policy he announced yesterday would essentially allow homosexuals to serve in the military—but only if they stay in the closet or lead celibate lives. Gay service members can still be discharged for engaging in a homosexual act (even a private, consensual act) or making a statement that demonstrates "a propensity or intent" to engage in such acts.

Their only solace is that the military will rein in its investigations into what people are doing in their private lives. In other words, private homosexual acts are still forbidden, but those who engage in them have a better chance of getting away with it.

The new policy embodies some real gains. People will no longer be asked their sexual orientation when enlisting, or in most cases when serving. They will be free to engage in some previously suspect activities, such as drinking in a gay bar, marching in a gay-rights parade or having a same-sex picture on one's desk. And the notorious witch hunts will be curbed through strict guidelines. These changes should lighten the atmosphere in which homosexual service members work and ease their fears of discharge.

But the policy remains unfair to them. In barracks conversations, they will have to lie to avoid inadvertently disclosing any private homosexual acts or even their sexual orientation. If they do reveal they are homosexuals, they will have to present evidence that they are celibate and intend to remain so. Otherwise they remain subject to expulsion.

The blame for eviscerating Mr. Clinton's policy is shared widely. Bigoted opposition in Congress, the military and the public is the main problem. Narrow-mined Joint Chiefs, too timid to pioneer social change, is another. And Senator Sam Nunn, chairman of the Senate Armed Services Committee, has undercut his President at every opportunity by holding biased hearings and pledging, on the very eve of Mr. Clinton's announcement, to introduce legislation to ban people with "a propensity to engage in homosexual acts."

The Administration itself has floundered. Defense Secretary Les Aspin was too obviously ready to capitulate, leaving his wounded boss with little choice but to yield to the Joint Chiefs. And even Mr. Clinton, after enunciating a sound doctrine, failed to push it through quickly and never forcefully articulated a rationale for lifting the ban.

Still, the new policy at least pushes the military down the road toward a long-overdue social change. Now it is up to the Administration to make the policy work in practice. Witch hunts must truly end. Investigations must truly be rare. Commanders must be vigorous in clamping down on gay-bashing and harassment. The new policy must be instituted as a step toward fairness, not a fig leaf to cover continued discrimination.

[From the New York Times, February 9, 1993]

GAY VALUES, TRULY CONSERVATIVE

(By Andrew Sullivan)

WASHINGTON.—Perhaps the most depressing part of the last few weeks has been how predictably the politics of the military gay ban played itself out.

By and large, lifting the ban was portrayed as a liberal measure, prompted by the usual interest groups and framed within a crude paradigm of civil rights. The opposition rested its final argument on the simple fear of homosexuals, on those intangible emotions the Joint Chiefs of Staff describe as morale.

But there is another way of looking at the issue: lifting the ban is essentially a conservative measure. It is not a radical attempt to remake society but a pragmatic effort to react to a change that is already taking place: the presence of openly gay people in the military. The values that gays in the military are espousing, patriotism and public service, are traditional values. And the effect that ending the ban could have on the gay community is to embolden the forces of responsibility and integration and weaken the impulses of victimology and despair.

Certainly, radicals always suspected homosexuals who wanted to join the military, regarding them as foolishly embracing a system that oppressed them. For many years after the 1969 Stonewall riots in Greenwich Village in New York, which gave birth to the gay rights movement, the military issue wasn't on the official gay rights agenda at all. For those who came from the antiwar movement, it was anathema. It was only in the late 80's that some argued that it should be placed at the forefront of the battle for gay civil equality.

But the military issue came to the fore not because of political leadership but because of the gay people in the military who refused to compromise their integrity any longer.

Many were of the generation that came out after AIDS, a sober generation, more determined than ever to stand up to brutalization but more realistic about how to overcome it. Unlike many of their elders, they did not want to rebel against mainstream society but to join it as full equals. These are the people who became the unlikely heroes of the new war. And this is, perhaps, the cruelest irony of the ban—that it has singled out those gay Americans who are among the most patriotic, the most committed to living lives that, in other people, would be at the heart of the notion of civic virtue. Some—Joseph Steffan, Margarethe Cammermyer—are better known than others.

I think of my first boyfriend, Joe, the adopted son of a military family from Nebraska, whose devotion to his father, a three star general, led him into the Air Force. Joe could never talk to his family about his emotional life, never initiate the relationship that makes a family a family, because his father would have been obliged to bring charges against his own son. Unable to sustain the lie, Joe quit and told his father who he was soon afterward. (His father reacted with compassion and respect.)

I think of another friend who devoted 16 years to the Navy, rising to lieutenant commander, highly respected by his peers, who, in a medical examination, was suddenly questioned about his sexuality, blurted out the truth and is now being discharged. With four years until retirement, he will receive no benefits and have to start a new career.

And the friend who is a sergeant in an elite Army unit, who listens daily to his recruits say they will kill the first soldier in their unit who says he's gay and who told me that even if the ban is lifted, he would not have the "moral courage" to come out.

When I am asked by people why I believe homosexuality is an involuntary disposition, constitutive of a person's deepest identity

and therefore deserving of respect and civil equality, I wish I could show them the lives of these people. These are the alleged radicals whose devotion to their country was strong enough to risk severing their livelihoods and disrupting their lives if their sexuality were discovered.

Within any other minority, these people would be heroes to conservatives. Their private conduct would be deemed irrelevant to their public service. Just as in 1948, when the Republicans campaigned for racial integration of the military. Republicans, of all people, should resist reactionaries on the right who believe gay people are condemned by nature to second-class status and reactionaries on the left who call for gay men and women to abandon the very society they most want to join. Some, to their credit, have done so, among them William F. Buckley, Jr. and Senator Alfonse M. D'Amato. Even Newt Gingrich a year ago voiced concern for gay soldiers' right to privacy before succumbing to political expediency and supporting the ban.

Conservatives should also see that lifting the restrictions is not a radical experiment that could risk military competence. It is a reaction to a problem already consuming the military as young lesbians and gay men refuse to acquiesce in their humiliation, and is a change that would be unlikely to accelerate the number of gay people prepared to come out in the barracks. (In Canada, where the ban was lifted three months ago, not a single person has come out.) It is also unlikely, unfortunately, to alter the harassment and intimidation gay soldiers are routinely subjected to, so deep is homophobia entrenched in a large part of military culture.

It is in the interest of all of us, straight and gay, that the cause of these people not result in defeat or worse, a new and bitter segregation. A defeat would send a signal to a gay community at a crossroads between hopeful integration and a new relapse into the victimology of the ghetto.

It would rebuke those who seek dialogue and community between gays and straights, penalize those members of the gay world who most want to join the mainstream and can lead the rest, and intensify the culture of despair already prevalent in a community wracked by plague.

Lifting the ban could heal a deep wound between gays and straights and lead the gay world in a new direction of integration and responsibility. The act would embody the sober, civic toleration that is the essence of what most gay men and women hope for—not the approval of anything we do in private, not the embracing of some mythical abstraction called the gay life style, not the derogation of traditional values, but merely the recognition that we are human beings too, that the mere statement of our identity should not be a cause for violence or hatred or public discrimination.

As gays and lesbians, we do not want anything special from America. We merely want to give back to America something of what it has given us, without having to compromise the essence of who we are. That simple, and surely conservative, desire is what is really at issue in the months ahead.

[From the New York Times, November 15, 1992]

LIFT THE BAN ON GAY SOLDIERS

President-elect Clinton has wisely reaffirmed his determination to lift the longstanding ban on homosexuals in the military. The ban is unfair to patriotic homosexuals, male and female, and deprives the military of talent.

The prospect of change nevertheless stirs anxieties among military personnel who fear that open acceptance of homosexuals will hurt morale and possible provoke mass resignations. Some distinguished military leaders—including Gen. Colin Powell, Chairman of the Joint Chiefs of Staff—have opposed lifting the ban.

Their views deserve a respectful hearing. But they are not a reason for inaction. The rationale for the ban has become increasingly dubious.

No one any longer seriously contends that homosexuals are security risks by being subject to blackmail. Indeed, the likelihood of blackmail would disappear if the ban were lifted. Neither is AIDS an issue; recruits and servicemen are routinely tested.

Nor is there any doubt that gays can perform effectively in the military. Many thousands already have done so, often with great distinction and in responsible positions.

The greatest remaining fear is that the presence of known homosexuals will undermine morale, order and discipline in a way that covert homosexuality has not. General Powell, noting the lack of privacy in the military, says many heterosexuals would prefer not to share bedrooms, barracks, latrines and showers with others of the same sex who find them sexually attractive. But it is unreasonable to ban homosexuals based on the presumed reaction of straights.

Others worry that activist gays will challenge their military leaders, disrupting the command structure; but military service seldom attracts activists prone to civil disobedience. And some observers worry that homosexual affairs will undermine discipline, interfere with teamwork or provoke fights. These all sound like worst-case projections, similar to the dire predictions made when women and later blacks were admitted to military service.

Mr. Clinton had it just right when he said the real criterion should be conduct. The heterosexual males who mauled women in the Tailhook scandal were properly disciplined for their misdeeds, without punishing all heterosexual males. So, too, homosexuals who harass their comrades or proposition them in the showers should be disciplined; those who do their jobs should be left alone.

The military has already worked miracles race relations since Harry Truman ordered the Army to integrate in 1948, largely because the whole organization dedicated itself to that goal. Surely the military chiefs can achieve the same progress toward acceptance of homosexuals if they put their minds to it. Straight soldiers will overcome their fears once allowed to work side by side with dedicated, capable gay comrades.

[From the New York Times, January 29, 1993]

THE ISSUE IS BIGOTRY

(Anthony Lewis)

BOSTON.—Over the last half-century Americans have come to understand that a civilized society does not mistreat people because of what they are. It is unacceptable to assault someone because he is a Jew, or deny him a job because he is black.

The question now is whether we are ready to apply that civilized standard to homosexuals. Are they to be despised and rejected because of what they are—because of a status that nature gave them?

That is the question in the dispute over President Clinton's plan to end discrimination against homosexuals in the armed services. It is the only question. All the rest of the noise around the issue—the talk about service morale and fighting effectiveness, the shrilling on talk shows—is demonstrable humbug, and bigotry

Col. Margarethe Cammermeyer won the Bronze Star in Vietnam in the Army nursing corps. She served 27 years in uniform and was chief nurse in Washington State's National Guard when the Pentagon ordered her discharged last year. Why did it do so? Because she had stated on a form that she was a lesbian.

Tracy Thorne, a Navy lieutenant (j.g.), was a navigator-bombardier, 25 years old, first in his flight training class, a member of a jet combat squadron. Last year the Navy grounded him. Why? Because he had said on ABC's "Nightline" that he was gay.

Did the firing of Colonel Cammermeyer or Lieutenant Thorne make our armed forces more effective? To the contrary, it removed two people of proved effectiveness. And it did so at heavy cost. The taxpayers paid $2 million to train Lieutenant Thorne, for example: money down the drain.

Then think of all the horror stories being told in the organized campaign of letters to Congress: Our men in the forces will not be safe from preying homosexuals, they will be embarrassed in the shower and so on. Did Colonel Cammermeyer or Lieutenant Thorne harass anyone, bother anyone? No. They did nothing except perform superbly for our country. They were punished not for what they did but for what they are.

Or think of the story told last fall in The Washington Post by Lucian K. Truscott 3d, a retired Army officer. He commanded an infantry rifle company in the Korean War, and one of the company's 150 men was thought to be gay. He did one of the toughest jobs, carrying and firing a Browning Automatic Rifle, and he was killed. Others in the company, including some who had mocked him in life, cried as his body was carried off.

There have always been homosexuals in the armed forces, and there always will be. President Clinton's plans do not change that reality. What they do is to stop officials from wasting time and money snooping out who may be gay and then discharging soldiers who have done a good job.

The waste of money is considerable. In the last 10 years the Pentagon estimates that it spent nearly $500 million finding homosexuals, discharging them and replacing them. But the real cost is human.

The Clinton plan does not condone any improper sexual conduct. It just stops the witch hunt of people who are gay.

If sexual conduct were the real concern of the critics, they would focus on the clear and present problem. You don't have to be a genius to know what that is: assaults on women in the armed forces.

Some of the critics are military men who are genuinely worried about change—just as the military fiercely resisted President Truman's 1948 order desegregating the forces. But in time the services did a superb job of fighting racial prejudice in their ranks: the best training program of any institution in the country. I think they will respond to clear leadership on this issue, too.

The organized opposition—highly organized—is political. It is coming from conservative religious groups and others on the extreme right. The Rev. Louis Sheldon of the Traditional Values Coalition boasts that his group shut down the telephone lines at the Capitol with its many calls. Oliver North is appealing for funds to stop the Clinton plan. Those who are truly religious might understand that God made people as they are.

In Washington, all you can hear is political calculation. President Clinton should have moved slower. He should have moved faster. That is Washington: maneuver, not substance. Politics matters, but it is not the issue here. The issue is bigotry.

[From the Washington Post, Jan. 27, 1993]

LIFTING THE BAN ON GAYS

It should come as no surprise that the Joint Chiefs of Staff found their commander in chief unchanged in his commitment to lifting the ban on homosexuals in the military. Having said as much several times during the campaign, President Clinton would cause far more surprise if he were to now abruptly reverse direction and drop the whole matter. There is no reason he should. The decision to end discrimination in the armed forces based on sexual status is sound, timely and necessary if the military is to move in the direction the rest of the country is headed.

As may be expected, Mr. Clinton is beginning to hear—and get hammered—from both sides now that work is underway on structuring the change. There are supporters of lifting the ban who fear that he's moving too slowly, that he is weakening somehow by not doing it immediately—as if that would settle matters once and for all. It didn't work that way for President Truman in 1948 when he began the racial desegregation of the armed services. Extending the highest standards of democracy to all who serve in today's military won't be any easier for this president. A year after Mr. Truman issued his order, the executive secretary to the advisory committee charged with examining the rules and procedures and recommending changes, concluded "the army intends to do as little as possible toward implementing the policy which it adopted and published." The bugaboo cited by the spoilers then is the same being heard now—that morale and discipline would go to ruin if the services were integrated racially. The manpower needs of the Korean War as much as anything finally brought them around.

Resistance to change is no less now than it was then, in both the military and Congress. That is no reason not to press ahead, however. And Defense Secretary Les Aspin's proposal to first end all military discharges, reassignments and recruitment screening based on sexual orientation, while laying the groundwork for an executive order a few months later formally lifting the ban, seems like a good approach.

President Clinton is now in company with President Truman, who had to buck the advice of many of his generals and admirals 40 years ago. The nation is better off because Mr. Truman did. The country also would be better served if today's leaders, who built a military force that is a symbol of pride, would stop holding the line against the idea of extending equality of treatment and opportunity to all who would serve in their nation's defense.

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, who is on the wrong side of this issue, recently told a group of midshipmen how he and the chiefs restructured the armed forces for a "new environment": "First we had to acknowledge something that many * * *. Did not want to acknowledge, that the Cold War was truly ending. And that all of the assumptions we had * * * had to be changed, had to be rethought. We sat down with the commanders in chief * * * and began to work it out. And in due course we came up with a strategy that we believed would meet these new world conditions." That was a good course then. It would be a good course now.

[From the Washington Post, May 18, 1993]

'DON'T ASK, DON'T TELL' WON'T DO

(By Joseph Zuniga)

The Senate Armed Services Committee's debate about lifting the ban on homosexuals in the military seems to be arriving at what some have labeled a compromise position: The military will no longer ask recruits whether they "have homosexual tendencies," and in return, lesbians and gay men will be allowed to serve so long as they don't "announce" their sexuality.

This compromise could work if we were dealing with automatons, but for human beings, not announcing one's sexual orientation isn't the simple request that proponents of this compromise would have the public believe. There is no on-off switch when dealing with human identity. This policy affects homosexuals at the core of who we are as people, and in essence forces us to not accept ourselves—to constantly live a lie.

It is important to note the concessions that have been made in arriving at "don't ask, don't tell." The issue is no longer whether there are homosexuals in the military—suddenly, all concede that there always have been and always will be. Moreover, because so many decorated gay and lesbian service members have dared "come out of the closet," it is also now conceded that there is no correlation between a soldier's sexual orientation and his ability to perform in the military. It is common knowledge that homosexuality is not a proxy for "bad soldier." Rather, like heterosexuals, gay people come in all varieties, from soldier of the year to the average soldier simply wanting to complete a two-year enlistment.

Such acknowledgments have sounded a bitter defeat for those who even a year ago continued to bury their heads in the sand over this issue. Unfortunately, they have also forced a shift in the rhetorical focus to "unit cohesion," a phrase more accurately defined as how heterosexuals will respond to having to acknowledge that there are openly gay and lesbian soldiers among them. "Don't ask, don't tell" purports to solve this problem by avoiding it—if a gay or a lesbian soldier simply doesn't tell, the Rubicon will never be crossed, and unit cohesion will not be compromised. This solution may sound credible to Congress, but it has no plausibility in the service.

While the order that lesbians and gay men "don't tell" anyone about their sexual orientation sounds simple, it is not. It is true that the military explicitly asks people whether they are gay *once*, upon recruitment, and can easily stop doing so. But lesbian and gay service members cannot make such a black-and-white, one-time decision to "not tell" as they go about their everyday lives. A closeted homosexual must constantly negotiate a minefield to securely hide his sexual orientation, he must be on a 24-hour alert lest he "tell."

Heterosexuals display their sexual orientation a hundred times each day—from discussing what they did Saturday night to simply commenting on a Playboy centerfold. If announcing one's homosexuality brings nondiscretionary discharge, all conversation becomes a trap for the reckless. A gay GI must either withdraw from all social interaction with his peers or live an endless string of half-truths, avoided answers and downright lies.

The circumstances behind the discharge of the Rev. Dusty Pruitt show how degrading it is to know that announcing one's identity is forbidden. Pruitt, a lesbian Army sergeant who was also a minister in the Metropolitan Community Church (a denomination ministering primarily to the gay and lesbian community), was expelled from the service after the military learned of her association with that church through a 1983 Los Angeles Times article. What if Pruitt, on her way to her church services one Sunday, had been stopped by another soldier and asked where she was going? What if the second soldier then wanted to join Pruitt at her place of worship? What would it mean to "not tell" in this situation? Should anyone be forced to lie about so sacred an activity as worship?

"Don't ask, don't tell" is not realistic. Although the military won't ask at induction, day in and day out, in subtle ways, thousands of gay and lesbian service members would be forced not to tell in so many disparate and confusing situations that their lives would be one massive gray area.

More tragic, from a military perspective, is the fact that not only would homosexual service members be forced to not tell, but they would, in essence, be forced to lie. The central concept in a military life is honor, and the basic premise upon which one's honor depends is truth. As former Navy midshipman Joe Steffan explains when asked why he told Naval Academy officials that he was gay when they asked him point-blank: "Personal honor is an absolute—you either have honor or you do not." In short, good soldiers don't lie. The senators debating this issue would not arrive at political solutions that would force soldiers to do so—to make a choice between living honorably and continuing to serve their country.

The most obvious of the objections to this compromise is that it is discriminatory. It is acceptable to ask and to tell about sexual orientation so long as it is heterosexuality. In military life, as in civilian life, public discourse about heterosexuality is omnipresent: dates, sex, weddings, divorces.

Lesbians and gay men do not seek special rights; we do not want to flaunt our sexual orientation. Indeed, the many gay and lesbian soldiers I know are hardly the radical activists that some would have the public believe make up the entire gay community. They are generally conservative individuals, sworn to defend their country, who want only to do their job without constantly facing the risk of losing it based on an irrelevant characteristic. We only want the opportunity to be honest about our lives in the same manner as everyone else.

CANADA: NO PROBLEM WITH GAYS IN RANKS

(By Anne Swardson)

TORONTO.—Master Cpl. Mike Simic has no doubts about whether gays should be allowed to serve in the Canadian armed forces. They should not, he says, because they may disrupt the teamwork on which the military depends.

But Simic, a mechanic, also knows that his career would be torpedoed if he hassled a gay comrade. When the Canadian military decided to fully accept gays last fall, the top brass decreed that harassment or discrimination of any kind would be punished. Simic says he will keep his opinions to himself.

"My attitude is, grin and bear it," said Simic. "There's a lot of the military that's out of your hands. The policy is very clear."

The nine months since a court case induced Canada's military leaders to open the ranks to gays have been virtually casualty-free. No resignations, violence or harassment have been reported. Gay soldiers, while remaining discreet about their private lives,

say they feel more comfortable now. And straight soldiers—not only those who have concerns about gays, but also those who do not—say they have accepted the new regime.

The ease of this transition may stem in part from Canada's tradition of tolerance. Canadians are told from childhood that their nation accepts all colors, creeds and cultures. Polls around the time the ban was repealed showed that a majority of Canadians favored admission of gays, while most Americans remain opposed. In addition, Canada's armed forces number 72,000, more manageable than the 1.7 million of the United States.

As the U.S. military and President Clinton wrap up six months of political warfare with an effort to compromise on admitting gays, it is apparent there is another reason for Canada's success: The highest leadership of Canada's armed forces has made clear that any recruit who has a problem with the new policy will face the consequences.

"It does take a commitment from the top," said John de Chastelain, who was chief of the Canadian Defense Staff at the time of the policy change and now is Canada's ambassador to the United States. Under him, the military revised all its harassment guidelines, began attitudinal training programs, set up new mechanisms to handle complaints and directed supervising officers down the line to follow the new rules.

At Canadian Forces Base Toronto, 300 men and women recently completed training sessions in recognizing and dealing with harassment. While the meetings did not focus on gay issues any more than on others requiring sensitivity, the base commander said they were just one more way of making the new policy take hold.

"It allows people to see that this is the military program, that it's not just a nice thing to do. We have zero tolerance for harassment, whether it's sexual, gender or ethnic," said Col. Edward Nurse, commander of this administrative base.

It was this base of 1,000 personnel that spawned the court case that led Canada to overturn its ban. In 1988, 2nd Lt. Michelle Douglas, then 23, was taken by superiors to a hotel and grilled for two days about whether she was a lesbian. Further interrogation went on for weeks. In addition to being asked about herself, Douglas said, she was asked to name other lesbians in the military.

Douglas subsequently was given the equivalent of an honorable discharge on the grounds that she was "not advantageously employable." She got a civilian government job and took the military to court. Last fall, just before her case was to go to trial, a settlement was reached that granted Douglas an $80,000 payment, not to mention a public about-face from her former employers.

Even before that, the armed forces had been easing toward a more open policy. Gays were allowed to join beginning in 1988, but until last October they could not be promoted or transferred.

"The best thing about ending the ban in Canada is that the element of fear has been taken away," said Douglas, who still has gay friends in the military. "There will be no knock at the door."

Some gays say they remain hesitant about disclosing their sexual preference or anything about their private lives to their military co-workers. Indications are that Canadian soldiers, while willing to obey the new policy, remain wary of gays.

Lt. Col. Susan Rodgeman, administrative officer for the Petawawa base new Ottawa, said perhaps 75 percent of the people with whom she serves have concerns about admitting gays, although the base has experienced no anti-gay incidents.

Among the issues military leaders wrestled with as they debated ending the ban was privacy. Could heterosexual and homosexual troops knowingly share quarters and remain comfortable? The decision was that they could. No accommodation exceptions were included in the new policy.

Some of the issues that remain, however, may give the Canadian military brass headaches in the future.

When the army began dismissal proceedings against Master Cpl. Derrick Dwyer because of his homosexuality, he, like Douglas, filed suit. As a result of the Douglas case, he received a settlement and was promoted. But recently, his superiors in Montreal—where he had stayed for years because of the ban on transfers for gays—informed Dwyer that he was being transferred to Toronto.

Dwyer's partner could not move because he was finishing college. So Dwyer asked that his transfer be delayed a year, on compassionate grounds. His request was denied. Then Dwyer asked for the same benefits that a married person of his rank would receive: free housing at the new post for a while, and help with transportation expenses back home. Again the request was denied—and he was released from the military for refusing a transfer.

"I don't think that's right," Dwyer said. "Why couldn't they give me the same entitlement as a heterosexual couple?"

[From the Los Angeles Times, Nov. 19, 1992]

ONE RULE FOR SOLDIERS—GAY OR STRAIGHT

(By David Link)

Sen. Sam Nunn of Georgia, the Democratic chairman of the Senate Armed Services Committee, has demonstrated beyond any question that he is unfit to be (as rumor proposes) secretary of defense in the Clinton Administration. Last weekend he insulted every member of the armed forces when he said that if the ban on openly homosexual men and women in the military were lifted too quickly, he would "fear for [their] lives" because of the "very emotional feelings" of bigoted heterosexual soldiers.

The statement is symptomatic of how topsy-turvy the debate over this issue has become. It is not often that a man who openly desires to be in charge of an organization finds it necessary to disgrace those he wants to command.

There is no community in the country that is as effective in training its people as the U.S. armed forces. Obedience to superior officers is the very heart and pride of military training. A critical part of military discipline is that, whatever trainees may think, if a commanding officer demands that they conduct themselves in a certain way, they will do so. Anything else would be insubordination. That is something the thousands of homosexual Americans serving in the military understand.

There have always been lesbians and gay men serving their country. Observing military rules of conduct to the letter, they have been fully able to do their work without revealing their attraction (if any) to other service members of the same sex. In most cases they have done this so successfully that no one suspects they are homosexual. Gays call this being in the closet, and every one who is homosexual knows how to do it. It is a form of self-discipline that any military organization should find exemplary.

Against this model of military rectitude, Nunn portrays heterosexual soldiers as so unable to control their feelings that they would disobey the most rudimentary rules, not only of military order, but of common civility, and give free reign to their most violent and vulgar impulses.

Similar to the boys-will-be-boys attitude that led to the Tailhook scandal, exculpatory comments such as Nunn's only encourage soldiers who want to believe that military order is order only to the degree that they accept it.

What is at issue here is not, and never has been, a soldier's sexual orientation.Even those who oppose lifting the ban do not deny the existence of lesbians and gay men in the military. The question is whether they can be open about their sexual orientation the way heterosexual soldiers are. Even under the present regulations, a gay man could serve in any branch of the military as long as he remained closeted—something dependent strictly on his conduct while in uniform, not his private sexual feelings.

Opponents argue that the right to privacy requires keeping the ban in place, citing as examples the difficulty of living in close quarters and using same-sex showers. But the fact is that gay and straight soldiers have been thrown together in such situations since the beginning of time. The only question is whether heterosexual soldiers know about another soldier's homosexuality. How is the issue of privacy changed depending on whether the gay soldier in the next bunk is closeted or open?

The military has searched in vain for evidence that any of the now openly lesbian and gay service members who were dismissed ever violated any rule of military conduct. From Perry Watkins and Dusty Pruitt through Margaret Cammermeyer and Keith Meinhold, homosexual servicemen and women have been dismissed not for what they have done, but solely because they have been honest about their sexual orientation.

Whatever fears heterosexual soldiers may have, it should be clear by now that they have nothing to fear in the barracks except fear itself. And there may be far less fear than those like Sam Nunn would wish. While there is certainly bigotry and prejudice in the military, soldiers have proved again and again that their sense of military order is stronger than people like Nunn want to give them credit for.

Nunn's suggestion—that in defiance of a direct order from the commander in chief, heterosexual bigots in the services will lose control of themselves and begin attacking fellow soldiers—says more about Nunn's own prejudices than anything else.

Whatever control the military has over a soldier's actions, people do not give up their beliefs when they serve their country. All Bill Clinton has said is that the military should get out of the thought-control business. Conduct is the measure, and the same rules of sexual conduct should apply to all soldiers, regardless of sexual orientation.

Nunn should condemn breaches of military conduct instead of holding them up as an excuse to keep the bigoted status quo.

[From Newsweek, Feb., 1993]

WHAT'S FAIR IN LOVE AND WAR

(By Randy Shilts)

On the first night of the Scud missile attacks on American troops in the Persian Gulf, an army specialist fourth class with the 27th Field Artillery found himself cramped in a foxhole with three other men. Like many young enlisted men, the specialist (who asked that his name not be used) had previously confided to the other men, his friends that he was gay.

During that night in the foxhole they huddled together in their suffocating suits meant to protect them from chemical and biological warfare agents. They could not see one another, but to reassure themselves that they were still there, still alive each man kept one hand on the other. Nobody hand on the other. Nobody seemed to mind that one reassuring hand belonged to a homosexual. The soldier recalls—there were more important things to think about.

Defense Department policy contends that the purpose of excluding gays from the armed forces is to preserve the "good order, discipline and morale" of the military because no heterosexual soldier would want to serve with take orders from or share a foxhole with a homosexual. America's experience in its past three wars suggests otherwise. The behavior of military officials in accepting gays during these wars also suggests that the generals themselves know their arguments are fallacious. At no time is good order discipline and moral more crucial for a fighting unit than in time of combat; at no time have the military's regulations against gays been more roundly ignored than in periods when troops were sent out to fight.

President Clinton's intention of integrating acknowledged lesbians and gay men into the armed forces has raised a great cry from opponents of reform, most of whom question how soldiers will respond to sharing a foxhole with a gay soldier. These arguments belie the fact that gay soldiers have served in U.S. military foxholes since the days of Valley Forge, some openly.

From the first days of the Defense Department's anti-gay regulations in the early 1940s, the government was willing to waive the for-heterosexuals-only requirement for military service if barring gays interfered with manpower exigencies. In 1945, just two years after the regulation was adopted, and during the height of the final European offensive against the Third Reich, Secretary of War Henry Stimson ordered a review of all gay discharges in the previous two years, with an eye toward reinducting gay men who had not committed any in-service homosexual acts. At the same time orders went out to "salvage" homosexuals for the service whenever possible.

The Korean War saw a dramatic plunge in gay-related discharges In the late 1940s the navy meted out * * * undesirable discharges a year to gay sailors. In 1950 at the height of the Korean War that number was down to 483. But in 1953 when the armistice was signed at Panmunjom the navy cracked down again with vigor distributing 1,353 gay-related undesirable discharges in that year alone.

The Vietnam War provides some of the most striking examples of the military's tacit acceptance of homosexuality in times of war. When Air Force Sgt. Roberto Reyes-Colon was seen leaving his base near the demilitarized zone with his Marine Corps boyfriend, military police brought him before his commanding officer the next day. The commander listened to the MPs complain that they had seen Reyes-Colon kiss the Marine, but once they left the room, the commanding officer ripped up the report they had written on the incident. Reyes-Colon's defense was that "there's a war going on" and the officer agreed.

Marine Corps Lt. Ben Dillingham, assigned to lead a reconnaissance platoon in Vietnam in 1970, was surprised to discover that two of his enlisted men were lovers, inseparable, patrolling together, even sleeping together under the same blanket. All the other soldiers in the tightly knit platoon were aware of the relationship and no one cared. It seemed to Dillingham that with a war going on and everyone's life depending on the others no one had time to quibble about gay soldiers.

Discharges for homosexuality still occurred but Pentagon statistics themselves bear out that the armed forces became strangely uninterested in enforcing their regulations against homosexuals during this period. Between 1963 and 1966, the navy, which at the time was the only branch of the military to keep detailed statistics of gay discharges, "separated" between 1,600 and 1,700 enlisted members a year for homosexuality. From 1966 to 1967 as the Vietnam buildup began in earnest the number of gay discharges dropped from 1,708 to 1,094. In 19969, at the peak of the escalation, gay discharges dropped to 643. A year later only 461 sailors were relieved of duty for being gay.

These dramatic reductions occurred during a period of some of the service's highest membership since World War II. It was not that there were any fewer gays in the navy, by all appearances there were many more. But the navy had effectively stopped enforcing regulations against homosexuality. Draftees who announced themselves to be homosexual at their induction centers frequently were told by army doctors that they were welcome in the army just the same. In at least three circumstances in the early 1970s, gay activists had to go to federal court to force the government to observe its own policies regarding the exclusion of gays.

[From the Washington Post, Nov. 24, 1992]

'HE WAS ONE OF US'

(By Lucian K. Truscott III)

"A GAY YOUNG CAVALRYMAN"

How times change. The words above appear as the title of a song opposite page 1 of the brief memoir my father wrote of his service in the U.S. Cavalry between the two world wars. Can you imagine a song today called "A Gay Young Fighter Pilot—or Infantryman—or Leatherneck?

I commanded an infantry rifle company in the first year of the Korean War. Among the 150 or so men I had with me on the tops of those mean mountains in that bitter cold was at least one gay soldier. All of the other 149 of us knew that if nothing else he was effeminate. That and his red hair are probably why I remember him so well after all these years.

I saw men ridiculing him to his face on occasion, as men will. You know: one hand on a hip, the other waving in the air with a limp wrist as the mimic took prim, mincing steps around him. And the first sergeant approached me one day and said, "Sir I think Wilson [not his name] is a goddam queer." About all I could say was, "Well, Top, I guess there's no damn law against it as long he's doing his job."

His job was BAR-man; the initials stand for Browning Automatic Rifle. It is a big weapon, weighing more than 20 pounds, but even at his size—about five-seven and 140 pounds—he carried the BAR in his squad. The weapon was so reliable and deadly that the Chinese invariably went for the BAR-man first.

But he did that job, which few men wanted, until a wet spring day in 1951, when I knelt down and looked at the small round hole dead center in his wet greenish-gray forehead below the line of his red hair. I noticed some of the men in his squad turning away from me so I wouldn't see them crying softly as they put him on a litter so we could carry him with us. He was one of us, a soldier.

I'm as sure of the fact that he was gay as I am that he no doubt wasn't the only one in the company, that he was a damned good soldier and that there were undoubtedly gay soldiers in the infantry battalion I commanded in Vietnam in 1967–1968. There are probably homosexuals in any group of a hundred or so men you assemble any place, any time.

A few years ago my son wrote a novel about a gay cadet at West Point and brought down the wrath of many graduates upon his (and my) head for even intimating that West Point ever had a homosexual cadet. And now looking back from the vantage point of 40 or 50 years of knowledge, experience and our society's finally having let gays out of the closet, I'm certain that four general officers I knew (two of them very well) were gay; one was a highly decorated infantry officer in World War II.

I am surprised that the chairman of the Joint Chiefs of Staff, Gen. Colin Powell, takes a stance against gays in the military. As a black officer, he must be more intimate with discrimination than most of us.

The argument seems to be that integration of gays will disrupt the discipline of an organization. Of course it will! Did the integration of blacks? You're damned right it did! And still does to a degree. But the armed forces have controlled it and will continue to until the last of the bigots is gone and we finally have complete equality.

Why don't we have the guts to admit that there always have been and always will be gays in our society? Admit it and treat them as men. They are, you know.

U.S. GENERAL ACCOUNTING OFFICE REPORT TO THE HONORABLE JOHN W. WARNER, U.S. SENATE—HOMOSEXUALS IN THE MILITARY, POLICIES AND PRACTICES IN FOREIGN COUNTRIES

JUNE 25, 1993.

Hon. JOHN W. WARNER,
U.S. Senate.

DEAR SENATOR WARNER: In response to your request, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of both the policies and practices in four of these countries. The four countries—Canada, Germany, Israel, and Sweden—allow homosexuals to serve in the military. For these four countries, we gathered detailed information on their military policies, including the evolution of these policies; compared the military policies to civilian laws; determined whether the practices of the armed services are consistent with their policies; and discussed the experiences each country has had concerning homosexuals in the military.

The Canadian, German, Israeli, and Swedish military policies and practices regarding homosexuals developed as the result of circumstances unique to each country. Factors such as the rights of homosexuals, societal attitudes towards homosexuals, and the military's role in society appear to have had an impact on each nation's experiences. Various officials we interviewed said that their country's experiences cannot necessarily be reproduced by another country; however, insights can be gained from their experiences.

SCOPE AND METHODOLOGY

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of

29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained an official position on their laws, policies, and regulations concerning homosexuals in the armed services either through the U.S. embassies and foreign government officials in the respective countries or from the countries' embassies in Washington, DC. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

For our detailed review, we selected Canada, Germany, Israel, and Sweden because these countries allowed homosexuals to serve in the military and met certain criteria regarding their cultural heritage, the size of theirarmed forces, and their recent combat or deployment experience. In addition, we attempted to include countries which represented a range of attitudes concerning homosexuality.

Our work in the four countries included discussions with mid- and senior-level military and government officials, former active duty military personnel, members of the reserve forces, representatives of veterans and homosexual advocacy groups, and academic experts. These groups provided a broad range of views concerning the treatment of homosexuals in the military. We also intended to talk to active duty officers and enlisted personnel at military headquarters and field units. However, of the four countries, only Sweden permitted us to interview active duty unit personnel. Nevertheless, our discussions with numerous other knowledgeable civilians and military personnel, representing a wide spectrum of opinions, gave us no indication that unit personnel would have provided a different perspective.

Appendix I discusses our scope and methodology in more detail. Appendix II describes the military policies concerning homosexuals for 21 of the 25 countries in our sample, including related information on the practices of some of the countries. Appendixes III through VI discuss the results of our in-depth review for the remaining four countries—Canada, Germany, Israel, and Sweden.

BACKGROUND

Congress is currently debating the President's proposal to lift the ban on homosexuals in the U.S. armed forces. As part of this debate, Congress has expressed an interest in foreign countries' military policies and experiences concerning homosexuals.

The 25 countries included in our review represent a wide range of cultures, religions, forms of government, and geographic locations. The four countries selected for our more detailed review—Canada, Germany, Israel, and Sweden—generally reflect Western cultural values yet still provide a range of ethnic diversity. Germany and Sweden have ethnically homogeneous populations. Israel's population is diverse, with immigrants from all over the world. The largest ethnic groups in Canada are people with British or French backgrounds, or some combination of the two. However, almost one-third of the population has other ethnic backgrounds.

Each of the four countries reviewed in detail has active armed forces that exceed 50,000 military personnel and has been involved recently in regional conflicts, United Nations peacekeeping missions, or both. Of the countries selected, only Canada has an all-volunteer military force. Germany's military consists of 57 percent volunteer forces, and the remaining 43 percent are conscripted.[1] Israel's and Sweden's forces primarily consist of conscripted military personnel, although they do maintain a small volunteer corps. All four countries allow women to serve in some capacity. Canada is the least restrictive in this regard, allowing women to serve in combat and non-combat roles; Germany is the most restrictive, allowing women to serve in only the medical and music corps.

Policies permitting homosexuals to serve in the military in these countries have been in place for a period of time ranging from 8 months in Canada to 45 years in Israel.

RESULTS IN BRIEF

While many countries have no specific law or military regulation on homosexuals serving in the military, of the 25 countries in our sample, 11 have policies that do not permit homosexuals to serve in the military, and 11 have policies that do. Three of the countries do not have any laws, regulations, or policies that address this issue and did not provide information regarding homosexuals serving in the military. Other variables may affect the service of homosexuals in the military. For example, most countries set standards of conduct applicable to all military personnel. Also, some countries place restrictions on known homosexuals who serve.

Of the four countries we reviewed in more detail, Canada, Israel, and Sweden have policies of not discriminating against homosexuals in the military. Germany imposes restrictions on homosexual volunteers. In all four countries, military policies concerning homosexuals developed over time, reflecting changes in civilian law and societal attitudes toward homosexuals. Most military officials and advocacy group representatives said that the countries' practices toward homosexuals in the armed services were consistent with military policies.

Military officials in all four countries said that the presence of homosexuals in the military is not an issue and has not created problems in the functioning of military units. A key factor, they said, was that homosexuals are reluctant to openly admit their sexual orientation for a variety of reasons. For example, (1) sexuality is considered to be a private matter, (2) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation, and (3) homosexuals do not see any advantage to openly identifying their homosexuality. Military officials from Canada, Israel, and Sweden said that, on the basis of their experience, the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale. In Germany, military officials told us that problems associated with homosexual military personnel are dealt with on a case-by-case basis and their service is restricted if necessary.

POLICIES CONCERNING THE MILITARY SERVICE OF HOMOSEXUALS IN 25 FOREIGN COUNTRIES

Table 1 shows which countries do not permit homosexuals to serve and which do permit homosexuals to serve. The table also provides information on whether the country's military force consists of all volunteers, mostly conscripts, or some other combination of volunteers and conscripts. Volunteer forces generally are the source of career military personnel.

TABLE 1.—POLICIES CONCERNING MILITARY SERVICE OF HOMOSEXUALS IN FOREIGN COUNTRIES

County	Size of active force	Primary source of personnel	Policy allows homosexuals to serve[1]	Applicable laws, regulations, policies, and/or restrictions
Australia	68,000	All-volunteer	Yes	Military policy changed in November 1992.
Belgium	85,000	Both[2]	Yes	No specific law/military regulation.
Brazil	297,000	Both	No	No specific law/military regulation.
Canada	78,000	All-volunteer	Yes	Prohibition lifted in October 1992.
Chile	92,000	Both	No	Civilian law applies.
Colombia	134,000	Both	No	Military code applies.
France	453,000	Both	Yes	No specific law/military regulation.
Germany	476,000	Conscript	Yes	Civilian laws changed in 1969.
		Volunteer	No	
Greece	159,000	Conscript	No	Military regulation applies.
Hungary	87,000	Both	No	No specific law/military reg. Restrictions apply to volunteers.
Israel	141,000	Conscript	Yes	Military regulation on restrictions revoked in May 1993.
Italy	361,000	Conscript	No	Codified into law in 1985.
Japan	246,000	All-volunteer	(3)	No specific law/military regulation.
Peru	105,000	Conscript	No	No specific law/military regulation on acceptance. Military code applies regarding discharge.
Poland	305,000	Conscript	(4)	No specific law/military regulation.
Portugal	62,000	Both	Yes	Military laws modified in 1989.
Republic of Korea	600,000	Conscript	Yes	Military law applies.
Romania	201,000	Conscript	No	Civilian law applies.
South Africa	72,000	Both	(4)	No specific law/military regulation.
Spain	257,000	Both	Yes	Civilian laws revised in 1985.
Sweden	53,000	Conscript	Yes	Civilian law/military policy.
The Netherlands	92,000	Both	Yes	No specific law/military regulation. Military policy revised in 1974.
Turkey	579,000	Conscript	No	Military law applies.
United Kingdom	300,000	All-volunteer	No	Military law applies.

[1] Conscription is the requirement for a person to enroll for compulsory service in the armed forces.

TABLE 1.—POLICIES CONCERNING MILITARY SERVICE OF HOMOSEXUALS IN FOREIGN COUNTRIES—Continued

County	Size of active force	Primary source of personnel	Policy allows homosexuals to serve[1]	Applicable laws, regulations, policies, and/or restrictions
Venezuela	75,000	Both	No	Military law applies.

[1] When no specific law or regulation applies, the countries' officials informed us of the policy.
[2] The Belgium military is currently transitioning to an all-volunteer force.
[3] Japanese officials indicated the issue is handled on a case-by-case basis.
[4] Officials did not provide detailed information to enable us to make this determination.
Note.—Appendix II provides additional information concerning these military policies.

MILITARY POLICIES CLOSELY REFLECT CIVILIAN LAWS IN THE FOUR SELECTED COUNTRIES

Military policies regarding homosexuals in Canada, Israel, and Sweden closely reflect civilian laws. In these three countries, military policies are consistent with civilian laws and regulations for homosexuals. In Germany, both civilian laws and military policies do not specifically address homosexuality. However, the court system has allowed the military to place restrictions on homosexuals.

Canada's constitution and laws have been interpreted by the courts to prohibit discrimination based on sexual orientation. On the basis of a court case which applied this interpretation to the military, the Canadian Forces recently revoked its policy prohibiting homosexuals from serving. Civilian anti-discrimination laws now apply to the military.

Israel's 1992 labor law prohibits discrimination against homosexuals in the workplace. Until May 1993, an Israeli military policy restricted known homosexuals from certain assignments in the military. Israel rescinded this policy and now places no restrictions on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination.

A 1987 Swedish law prohibits discrimination based on sexual orientation and makes it illegal for individuals to make derogatory comments about a person's homosexuality. The country's military policy concerning homosexuals parallels civilian law and prohibits discrimination against homosexuals.

The German constitution provides for basic civil rights and equality of all people, but German law does not specifically address sexual orientation. German military policy states that military personnel may be discharged for "suitability" reasons. Although the policy does not refer specifically to homosexuals, the military has interpreted the policy as applying to them. German courts have upheld this interpretation. As a result, the policy essentially gives the military flexibility in dealing with homosexuals by allowing the military to discipline or discharge a homosexual service member based on the individual's behavior, time in service, and status (conscript or volunteer).

MILITARY POLICIES CONCERNING HOMOSEXUALS HAVE EVOLVED

In all, four countries, military policies concerning homosexuals have developed over time. These policy changes were usually preceded by changes in civilian laws, reflecting the attitudes of the society at large. As society showed increased acceptance of homosexuals, the military tended to follow.

Canada has modified its military policy over the past 7 years to remove all restrictions on homosexuals. In 1986, the Canadian Forces began to reevaluate its policy of excluding homosexuals from the military. The review was prompted by the adoption of the equal rights provision of the country's new constitution. During this review, the military instituted an interim policy in 1988 that allowed homosexuals to serve, but with restrictions. In 1992, a court ruled that the military's policy concerning homosexuals was unconstitutional, and the military revoked its policy and removed all restrictions on homosexuals.

Germany's military policy has been modified over the past 24 years, although it does not grant homosexuals total equal rights. The German armed forces began permitting homosexuals to serve in 1969, when the penal code was revised to decriminalize homosexual acts[2] for males ages 21 and over. In 1987, Germany's Federal Administrative Court ruled that homosexual orientation alone was not sufficient grounds for revoking security clearances, and the military has since changed its policy accordingly. In 1990, this same German court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

Israel has no constitution or bill of rights; however, a number of basic laws, together, serve that purpose. The Israeli military has allowed homosexuals to serve since the country was founded in 1948. Under a 1983 military regulation, however, homosexuals were prohibited from serving in intelligence positions requiring top security clearances. The regulation also required identified homosexuals to undergo a psychological examination to determine their ability to serve. However, we were told that in practice those policies were never formally implemented. Recently, Israeli society has become more accepting of homosexuality and has increasingly recognized homosexual rights. Homosexual acts were decriminalized in 1988, and discrimination against homosexuals in the workplace was outlawed in 1992. In May 1993, the military adopted a policy that no restrictions will be placed on the recruitment, assignment, or promotion of homosexuals due to their sexual inclination.

Sweden modified its military policies over a period of 11 years before arriving at the current policy of not discriminating against homosexuals. The military had automatically exempted homosexuals from military service until 1976. In 1979, when the National Board of Health and Welfare removed homosexuality from its Classification of Illnesses Handbook, the military stopped considering homosexuality as an illness. The military, however, continued to annotate the file records of homosexual individuals. This practice was halted in 1984 when a Parliamentary commission concluded that homosexuality must not disqualify an individual from serving in the armed forces. In 1987, Sweden passed its law prohibiting discrimination against homosexuals. The law also applies to the armed forces.

NO APPARENT INCONSISTENCY BETWEEN MILITARY POLICIES AND ACTUAL PRACTICES TOWARD HOMOSEXUALS

Discussions with numerous government officials, private groups, and individuals indicated that military practices in Canada, Germany, Israel, and Sweden were consistent with military policies concerning homosexuals. In Canada and Sweden, military officials and others said the armed forces comply with their policies. Homosexual rights groups in Canada were satisfied with the military's policies and practices. While one homosexual rights group in Sweden believed that despite the military's anti-discrimination policy, homosexual officers may be denied career opportunities, the group could provide no supporting evidence. The other major Swedish homosexual rights group we interviewed did not believe homosexuals were discriminated against in the military.

German military officials said they deal with homosexuals on a case-by-case basis, in accordance with the flexibility provided under their policies. How each case is handled, they said, hinges on such factors as whether the individual is a conscript or volunteer, the individual's rank and time in service, and whether the individual exhibits homosexual orientation or engages in homosexual behavior. Depending on the circumstances, a homosexual soldier may not be punished at all, may be restricted from certain assignments, or may be disciplined in some other way. In practice, according to German military officials homosexuals may serve as conscripts in the military if medical personnel determine during the induction screening that the individual's sexual orientation does not prevent them from functioning effectively in a military environment;

Volunteers (officers and noncommissioned officers) who declare their homosexuality during induction are not accepted, and those already in military service may be removed from assignments involving leadership, training, and educational tasks; and

Individuals who engage in homosexual activity while on duty may be subjected to a range of disciplinary actions to include discharge.

While German military officials acknowledge that some of their policies and practices constitute discrimination, they believe this is justified in order to maintain good order and discipline in the armed forces.

According to military officials, Israel's practice toward homosexuals were less restrictive than its policies at the time of our review (before the current policy was instituted on May 18, 1993). For instance, according to military officials and others (including reserve officers), the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring security clearances was never formally implemented. According to officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. With the recent revision of this policy, practices and policies are more consistent.

FEW HOMOSEXUAL MILITARY PERSONNEL OPENLY IDENTIFY THEIR SEXUAL ORIENTATION

According to defense officials, military personnel, and representatives of homosexual advocacy groups, there are some openly homosexual military personnel in the

[2] Homosexual acts are defined differently depending on the country, but generally refer to sexual acts between same gender partners.

armed forces of the four countries; however, homosexuals tend not to openly admit their sexual orientation. Military officials and others we talked to in all four countries said a central reason is that these countries consider a person's sexuality a private matter. Other reasons varied from country to country and included: (1) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation; (2) younger soldiers who feel they may be homosexual may still be struggling with their sexual orientation; (3) homosexuals do not see any advantage to openly identifying their homosexuality; and (4) many service members serve in close proximity to their homes and can maintain their private lives.

Even though most homosexuals in the military do not openly identify their sexual orientation, some defense officials and others we interviewed said once a homosexual member of the armed forces has established a professional reputation and gained the respect of coworkers, the person may feel more comfortable in revealing his or her sexual orientation to them. In Israel, for example, we talked to a number of reserve military personnel who said that on active duty they served openly as homosexuals, still received promotions, an were not restricted in their assignments.

FOREIGN MILITARIES REPORT NO ADVERSE EFFECT BECAUSE PRESENCE OF HOMOSEXUALS IS NOT AN ISSUE

Military officials in Canada, Germany, Israel, and Sweden said that the presence of homosexuals has not created problems in the military because homosexuality is not an issue in the military or in society at large. We were told that a key reason the presence of homosexuals is not an issue in these countries' militaries is that few homosexual military personnel openly identify their sexual orientation, as discussed earlier. For example, a 1984 report on homosexuality by Sweden's Parliament stated that "the silence surrounding homosexuals and homosexuality is virtually total." Swedish military personnel at all levels agreed that this silence is pervasive in the military.

Military officials from each country said that, on the basis of their experience, the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion, or morale. For example, Israeli officials said that homosexuals have performed as well as heterosexuals and have served successfully in all branches of the military since 1948. In Canada, where problems in these areas were predicted, military officials said none had materialized since the revocation of the policy banning homosexuals. They attributed the lack of problems to the military leadership's support of the new policy and the military's ability to keep a low profile on the issue. German military officials said that their policies prevent problems because they allow for flexibility in dealing with homosexual individuals, and their services is restricted if necessary.

We are sending copies of this report to the Chairmen of the Senate and House Committees on Armed Services, to the Secretary of Defense, and to the Secretary of State. We will also make copies available to others on request.

This report was prepared under the direction of Mark E. Gebicke, Director, Military Operations and Capabilities Issues, who may be reached on (202) 512-5140 if you or your staff have any questions. Other major contributors to this report are listed in appendix VII.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

APPENDIX I

OBJECTIVES, SCOPE, AND METHODOLOGY

At the request of Senator John W. Warner, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of the policies and practices in four of these countries to obtain a perspective of their experiences.

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of 29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained official information on their laws, policies, and regulations concerning homosexuals in the armed forces either through the U.S. embassies in the countries or from the countries' embassies in Washington, D.C. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

In selecting the countries for a more detailed review of policies and practices, we attempted to capture a range of attitudes toward homosexuality. Other criteria we used included: (1) predominance of Western cultural values; (2) military forces exceeding 50,000; and (3) recent military combat and/or deployment experience (for example, participation in the Persian Gulf War, regional conflicts, or United Nations peacekeeping missions). On the basis of these criteria, we selected Canada, Germany, Israel, Sweden, and France. During the initial phases of our review, French government officials informed us that they did not wish to provide us information on this topic. As a result, we excluded France from the in-depth phase of this review.

We gathered detailed information on the military policies of Canada, Germany, Israel, and Sweden, including the evolution of these policies; compared the military policies to civilian laws; and determined whether the practices of the armed services are consistent with their policies. However, we did not attempt to describe the circumstances surrounding the development of these laws and policies. In addition, we discussed the experiences each country has had concerning homosexuals in the military with military personnel, veterans and homosexual advocacy group representatives, academics, and U.S. embassy personnel.

Canada, Germany, and Israel did not permit us to interview active duty unit personnel. They provided the following reasons:

Canadian officials cited the recent change in policy and their intent to keep a low profile on the issue. They believed that the military leadership would have more flexibility in implementing this policy if the issue remained low-key.

Germany's chief of protocol said that "an official visit to units would serve no purpose."

Israeli officials said our presence could be a disruption and preferred to maintain a low profile on this issue. Israeli officials felt that homosexuals were not an issue in the military and wanted it to remain that way.

To obtain a list of credible government and military officials, homosexual and veterans advocacy groups, and academic sources to interview in each foreign country, we contacted:

The countries' Auditors General;

U.S. government agencies, professional societies, and individual experts in a variety of fields, including the Congressional Research Service; the Army Research Institute; Walter Reed Army Hospital; the American Psychiatric Association; the American Sociological Society; the American Psychological Association; the American Ethnological Association; the American Anthropological Association; Lawrence Korb, a military analyst at the Brookings Institute; Charles Moskos, a military sociologist at Northwestern University; and Lieutenant General (Ret.) Bernard Trainor, Director of the National Security Program at Harvard University;

Public opinion polling experts, including World Association for Public Opinion Research, the Gallup Organization, and Roper Institute;

U.S. veterans associations, including the American Legion, Veterans of Foreign Wars, Association of the United States Army, Noncommissioned Officers Association, Retired Officers Association, the Military Coalition, and the Air Force Association; and

U.S. homosexual advocacy groups, including the Human Rights Campaign Fund, Campaign for Military Service, Military Freedom Initiative, International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association, National Gay and Lesbian Task Force, the Gay and Lesbian Foreign Service Association, the Federal Gay, Lesbian, and Bisexual Employees.

After we obtained a list of contacts for each country, we supplied the list to the respective U.S. embassy to verify the contacts' credibility within the country.

Specifically, we interviewed the following sources in each country:

Canada

In Canada, we interviewed officials from the U.S. embassy; the Department of National Defense's Personnel Policy Division; the Department of Justice's Human Rights Law Section; Canadian Human Rights Commission; the only open homosexual member of Parliament; a member of Parliament who belongs to the Progressive Conservative Party and is opposed to the new policy; the Canadian Auditor General; Statistics Canada, which tabulates government data; the Conference of Defense Associations, a veterans umbrella group, consisting of 22 organizations; Pink Triangle Services, a local homosexual advocacy group; and Equality for Gays and Lesbians Everywhere, the only national homosexual advocacy group. We also interviewed a cultural anthropologist from Criterion Research Corporation; Michelle Douglas, a former military officer whose court case forced the military to change its policy;' a political scientist from the University of Toronto who specializes in homosexual rights; a political scientist from the University of Toronto who specializes in polling data; a representative from Gallup Canada, Inc.; and a military sociologist under contract to the U.S. Army Research Institute to analyze the impact of Canada's new policy on homosexuals.

In Washington, D.C., we interviewed the former Canadian Chief of the Defence Staff, the key military official responsible for implementing the court's decision to allow homosexuals to serve in the military.

Germany

In Germany, we interviewed representatives from the U.S. embassy; the Ministry of Defense's personnel, health, and legal divisions; the Department of the Navy; the Bundestag (the German Parliament); the Ministry of Justice; the Deutscher Bundeswehr

Verband e.V., an association representing the views of active duty and retired members of the armed forces; the Catholic and Protestant churches; and the Schwulenverband in Deutschland and the Bundeverband Homosexualität, two homosexual advocacy groups in Germany. We also interviewed a professor conducting research for the U.S. Army Research Institute on Germany's military policy regarding homosexuals and a University of Frankfurt sexologist who is an expert on German sexuality and sociological trends.

Israel

In Israel, we interviewed officials from the U.S. embassy and the Israeli Defense Forces, including the Chief of Security, who was responsible for drafting the military's new regulation on homosexuals, and the head of the Mental Health Department; a member of the Israeli Knesset (equivalent tothe U.S. Congress) who has held public hearings on homosexuality in Israel; officials from the Society for the Protection of Personal Rights, the leading homosexual rights group in Israel; an attorney of the Association for Civil Rights in Israel, the country's primary civil rights group; the Director of the Israeli Institute for Military Studies, who was a former Chief Psychologist of the Israeli Defense Forces and is a specialist on cohesion and battlefield stress; the President of the Israel Psychological Association, the only body of professional psychologists in Israel; a pollster frequently used by the U.S. embassy; and a sociologist at the Jerusalem-based Israel Institute of Applied Social Research. Several Israelis we spoke with were either retired military officers or still in the reserves. In addition, we confidentially interviewed 11 homosexual and heterosexual reserve corps and retired Israeli Defense Forces military personnel to obtain first-hand information on their experience.

We attempted to identify organizations that oppose homosexuals in the Israeli military, but were told by several sources, including U.S. embassy officials, that there were none.

Sweden

In Sweden, we interviewed officials from the U.S. embassy and the Swedish Defense Personnel Division of the Joint Defense Staff and the National Services Administration Enrollment Office and Medical Board; senior military officers, 15 active duty unit-level officers and 27 conscripts at Air Force, Army, and Navy facilities; a member of Parliament from the Liberal Party who chairs the Parliamentary Commission on Registered Partnerships and is the former Director of the National Board of Health and Welfare; a member of Parliament from the Moderate Party who is the Vice-Chair of the Human Resource Council of the Swedish Defense; a member of Parliament from the Christian Democrat Party who opposes passage of legislation permitting registered partnerships; and an official from the Office of the Ombudsman Against Ethnic Discrimination. We also interviewed the President and other representatives of the Swedish Federation for Gay and Lesbian Rights, the most prominent advocacy group for gays, lesbians, and bisexuals; the President of Gay Moderaterna, and independent gay conservative organization that works both domestically and internationally to achieve equal rights for homosexuals; a social researcher with the Institute for Social Policy and the Department of Social Work of the University of Gothenburg; the Director of the Swedish Institute for Sexual Research; the Chairman and the Project Officer of the Central Council of Conscripts, whose members are elected by their peers to represent the conscripts before the Swedish Defense Force; and the President of Noah's Ark-Red Cross Foundation, founded to work with the prevention of HIV disease and to support those who are HIV-infected.

Officials from the homosexual advocacy groups and the U.S. embassy were unable to identify any organizations that were opposed to the admission of homosexuals into the military. In addition, the homosexual advocacy groups were unable to locate retired or active duty homosexual military personnel who were willing to meet with us.

We conducted our review from March to May 1993 in accordance with generally accepted government auditing standards. We discussed the results of our review with U.S. officials at the Departments of State and Defense.

APPENDIX II

FOREIGN COUNTRIES' POLICIES ON HOMOSEXUALS IN THE MILITARY

Australia

Although the Australian Defence Force did not have an official ban on admittance of homosexuals into the military (upon entry, recruits were not questioned about their sexual orientation), a 1986 military policy provided guidance to commanding officers in handling cases where a member of the armed forces was identified as homosexual. Under this policy, when a soldier declared his or her homosexuality or was found to be homosexual, the soldier was discreetly asked to resign and usually complied. Otherwise, the service would initiate actions to terminate the individual's military career.

In November 1992, the Australian government ended this policy of prohibiting homosexuals from serving in the military. The new military policy on unacceptable sexual behavior applies to all service members regardless of sexual orientation. The policy states that the passage of human rights legislation, in particular the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission Act, necessitated the development of a policy on unacceptable sexual behavior.

An embassy official told us that Australia does not have laws prohibiting sodomy that would have conflicted with implementing the new policy. Implementation of the new policy is the responsibility of individual commanders. We were told that command briefings were held throughout the chain of command to implement the new policy. Implementation is monitored routinely through the chain of command.

An Australian official stated that although it is too early to assess the results of the revised policy, no reported changes have occurred in the number of persons declaring his or her sexual preference or the number of recruits being inducted. Effects on unit cohesiveness have not yet been fully determined. However, early indications are that the new policy has had little or no adverse impact.

Belgium

Belgium has no laws or regulations regarding the service of homosexuals into the military. Embassy officials stated that in practice homosexuality does not constitute grounds for exclusion or dismissal from the Belgian armed forces unless there is evidence of a psychopathic disorder such as sexual perversion. During recruitment, the military does not ask an individual's sexual orientation. If homosexuality is discovered after enlistment, however, commanders may restrict the individual's duty assignments. For instance, limitations may be placed on the person's access to classified information, or the person may be excluded from certain tasks or units. In addition, we were told improper sexual conduct among members of the armed forces is not tolerated.

Brazil

Although Brazilian law does not contain any specific reference to homosexuality, Brazilian embassy officials informed us that homosexuals who exhibit behavior which degrades the appropriate military decorum and military honor are barred from military service. Moreover, the Statute of the Military governs a pattern of behavior to be adhered to by all personnel while they are on and off duty. An individual found guilty of engaging in libidinous acts, including homosexual acts, while on duty or on base is considered to be in violation of the penal code and subject to punishment, including possible discharge.

Canada

Detailed information on Canadian policies and practices regarding homosexuals serving in the military is presented in appendix III.

Chile

The Chilean constitution does not specifically refer to sexual conduct or activities contrary to moral principles. Moreover, article 365 of the civilian penal code declares sodomy a crime against family order and public morality punishable by imprisonment. Because sodomy is a crime under the civilian penal code, neither the code of military justice nor the internal regulations of the various armed services deal with this subject. Nonetheless, there exists a longstanding military policy that persons found to have "some kind of abnormal conduct or deviance, such as homosexuality, alcoholism, drug addiction. . .," are rejected for military service.

Colombia

Known homosexuals are excluded from serving in the Colombian military. Article 184 of Colombia's Code of Disciplinary Action for the Military Forces describes offenses against military honor, which is understood to be a combination of moral and professional qualities. Among the offenses identified in the disciplinary code is "to associate oneself with or maintain obvious relations with persons that have a previous criminal record or are considered criminals of whatever category or are antisocial like drug addicts, homosexuals, prostitutes, or pimps." Engaging in homosexual acts is considered to be an offense against military honor.

France

The French government informed us that there are no specific laws, regulations, or written policies which deal specifically with homosexuals serving in the French military. Officials did not provide additional information on homosexuals serving in their military. However, in 1992, we reported that although homosexuals serve in the French armed forces, certain restrictions may apply to an individual's duty assignments.[1]

Germany

Detailed information on German policies and practices regarding homosexuals serving in the military is presented in appendix IV.

Greece

According to military regulation, known homosexuals are barred from serving in the

[1] *Defense Force Management: DOD's Policy on Homosexuality* (GAO/NSIAD-92-98, June 12, 1992).

Greek armed forces. Upon initial screening, potential recruits are asked a series of questions to determine their suitability for service in the military. If an individual is found to have "psychosexual disorders," the term used for homosexuality, the recruit is considered unfit for service. After 2 years, the individual must return to the induction center for another evaluation. At that time, following a final screening, if an individual is still considered to be homosexual, the individual's military obligation is complete. Military personnel, including both officers and enlisted personnel, found to be engaging in homosexual acts while on active duty are discharged from the service on grounds of a "psychological disorder."

Hungary

Although Hungary has no specific laws on the acceptance of homosexuals into the armed forces, the Hungarian Ministry of Defense provided information that stated military personnel discovered to be homosexual may be discharged from the Hungarian Defense Forces. A conscript who claims to be a homosexual during the induction screening process is referred for a psychiatric evaluation. If the medical personnel declare an individual to be homosexual, that person is not considered qualified and receives an exemption.

If conscripts, who serve only 1 year, do not acknowledge their homosexuality during the induction screening process but are later discovered to be a homosexual, no effort is made to remove them from the military unless some other law is violated. In contrast, officers who are discovered to be homosexual are subject to dismissal. At least one officer was dismissed under this policy.

Israel

Detailed information on Israeli policies and practices regarding homosexuals serving in the military is presented in appendix V.

Italy

Current law prohibits homosexuals from serving in the Italian armed services. Individuals who declare their homosexuality during the draft enrollment process, or whose pre-induction psychological interview indicates homosexuality, whether acknowledged by the conscript or not, are barred from entering military service. If a soldier's homosexuality is discovered after enrollment, the soldier is administratively declared unfit for service and discharged.

Japan

No written regulations or policies exist regarding service of homosexuals in the Japanese Defense Force. However, Japanese embassy officials said the lack of any written regulations or policies does not necessarily constitute acceptance of homosexuality in the military. On the contrary, within the overall Japanese society, homosexuality is a subject which is not openly discussed. Known homosexuals might not be selected to enter the military, according to Japanese government officials, and persons found engaging in homosexual activities while in the military could be reassigned.

Peru

Although Peru's military code does not specifically prohibit homosexuals from joining the armed services, military recruiters routinely reject those they suspect of being homosexual. In addition, under article 269 of the Military Code of Justice, officers found to have committed homosexual acts are to be discharged, while enlisted personnel are subject to discharge and a prison term. If the officer's offense includes violence, threats, or abuse of authority, or involves any other type of coercion, then the officer is also subject to a prison term.

Poland

Poland does not have any special laws, regulations, or policies regarding homosexuals in the armed services.

Portugal

Following the revision of military service laws in 1989, there no longer exists any regulation that prohibits homosexuals from serving in the Portuguese armed services. As a result, homosexuals are theoretically permitted to serve without any career restrictions or discrimination.However, homosexuals who show signs of mental illness during the induction screening process may be excluded, according to Portuguese military officials.

Republic of Korea

Although Korea does not have specific laws on homosexuality, there are military and civilian laws governing sodomy and other sexual activities. Article 92 of the Korean Military Criminal Law prohibits certain sexual activity between soldiers, regardless of consent and regardless of whether the sexual activity is between two men, two women, or a man and a woman. If found in violation, persons are expelled from military service and are subject to a prison term. In contrast, civilian laws (articles 298, 299, and 245) which govern indecent sexual acts by force, sexual exploitation, and sexual acts in public apply only if no consensual agreement exists between the two people involved.

Recruits are not asked about their sexual orientation upon entry into service. An embassy official said it is a constitutional obligation for all healthy, able-bodied men to serve their country for a period of 2-½ years. Conscripts who declare their homosexuality are still required to serve. However, a commanding officer who knows of a conscript's sexual orientation may limit the soldier's duty assignments.

Romania

Under Romania's civil penal code, the practice of homosexuality is illegal. Homosexual acts in the military are punishable with a 1-to 5-year prison term. Further, if a member of the armed services declares that he is a practicing homosexual or is accused of engaging in homosexual acts, a trial is held to determine whether the civilian penal code has been violated. U.S. Department of State officials stated that because of the legal hurdles and complications, homosexuality is considered a non-issue in Romania's military.

South Africa

According to the South African Defense Force, there are no written laws, regulations, or policies regarding the service of homosexuals in the military.

Spain

Prior to the 1985 revision of civilian law to decriminalize homosexual activities, persons who committed improper sexual behavior would have been subject to a maximum penalty of a 6-year prison term. The Spanish government no longer considers being homosexual a crime, but certain sexual behaviors are still subject to prosecution, according to current civilian laws. Sexual behavior which is subject to prosecution includes indecent exposure, engaging in sexual activities with minors or with mentally incapacitated persons, or any type of non-consensual sexual activities. Civilian laws apply to the behavior of both homosexuals and heterosexuals.

Sweden

Detailed information on Swedish policies and practices regarding homosexuals serving in the military is presented in appendix VI.

The Netherlands

Article 1 of the Constitution of the Netherlands prohibits discrimination on the basis of religion, convictions about life, political affiliation, race, sex or on any other grounds. According to embassy officials, this includes sexual orientation. Other Dutch legislation elaborates on this principle, as a result, government policy, including military policy, explicitly prohibits unequal treatment based on the knowledge of an individual's sexual orientation. Individuals are to be judged on the basis of performance and conduct. Only when improper sexual behavior, heterosexual or homosexual, interferes with the proper performance of duties and discipline is action to be taken on the basis of Dutch military criminal disciplinary law.

Upon entering military service, an individual is not asked questions relating to sexual orientation. If the individual discloses a homosexual orientation, this information is not recorded in the individual's files. Dutch officials told us that they do not consider it relevant to a soldier's ability to carry out his or her duties. For this reason, the number of homosexuals in the Dutch armed forces is not recorded. However, a September 1992 study by the Netherlands Institute for Social and Sexological Research showed that 0.9 percent of male military personnel and 3.5 percent of female military personal regard themselves as homosexual.

A goal of the Dutch Ministry of Defence's policy is to actively create conditions within the armed forces that every employee is able to function optimally. With regard to homosexuals, this involves enhancing their acceptance and integration in the armed forces. In 1991, the Ministry of Defence (1) initiated a policy that made awareness of homosexuality a subject of initial training and education programs for new recruits, (2) expanded the expertise of social workers in dealing withhomosexuality-related problems, and (3) expanded general information program within the armed forces on the subject of the nondiscriminatory policy of the Ministry of Defense. Furthermore, the Advisory and Coordination Committee on Homosexuals in the Armed Forces advises the Minister of Defense on subjects pertaining to homosexuality. Participation on this committee are representatives of the armed forces and the Directorate-General of Personnel.

Despite these efforts, the Ministry of Defence acknowledges that the goal of full integration has not been reached. While explicit discrimination has become rare, heterosexuals still tend to keep homosexual colleagues at a distance, thereby excluding them from the atmosphere of comradeship that is of importance for cohesion within military units. Homosexuals continue to keep their sexual orientation private to avoid adverse reactions from colleagues.

Dutch military officials have emphasized that acceptance of homosexuals within the military, while not complete, has reached a point that their presence rarely becomes an issue. Naval commanders have noted that homosexuals and heterosexuals on board ship are subject to the same standard of conduct, namely, that sexual contact of any kind is not permitted. Where this standard is not upheld, disciplinary action, usually transfer of one or both individuals, is taken.

Turkey

The Turkish armed forces prohibits known homosexuals from serving. Homosexuality is

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regarded as immoral behavior, and military personnel discovered to be homosexuals are discharged from duty on charges of indecency, according to an article of the military penal code. The individual does not face further prosecution once this has occurred.

Traditional moral values governing Turkish social life do not tolerate homosexuality. The armed services view homosexuality as indecent behavior that degrades the honor, dignity, and credibility of the military.

United Kingdom

Under section 1 of the Sexual Offenses Act of 1967, an act of buggery or gross indecency between two, but no more, consenting males over age * * * in private ceased to be a criminal offense in the civil sector. However, an act remains an offense under the service discipline acts—the Naval Discipline Act 1957, the Army Act 1955, and the Air Force Act 1955. Homosexuals committing such offenses are therefore excluded from service in the United Kingdom's armed forces. (Lesbians are similarly excluded, although lesbianism is not, and never has been, a criminal offense in the United Kingdom.)

The service discipline acts are reviewed every 5 years. During the last review in 1991, the House of Commons Select Committee on the Armed Forces Bill recommended, and the Ministry of Defence accepted, that homosexual acts which are legal in civilian law should not constitute an offense under military law. Therefore, a member of the armed forces found to engage in a legal homosexual act will not be prosecuted under military law, but will be administratively discharged. However, a service member could still be prosecuted under military law if it is found that the act disgraced or discredited military decorum.

Upon entry into the British armed forces, the individual is provided a pamphlet entitled "The Armed Forces, Your Rights and Responsibilities." The pamphlet clearly states that homosexuality and homosexual behavior are not compatible with service life. Further, it states that if a person engages in homosexual acts, he or she may not be prosecuted under service law, depending upon the circumstances, but the person will be dismissed.

From approximately 1986 to 1991, 9 servicemen were dismissed from the Navy, 22 from the Army, and 8 from the Royal Air Force following conviction for an offense involving homosexual activity. Another 296 servicemen were discharged as a result of administrative action—no formal disciplinary charges were brought against them.

Venezuela

Regarding service of homosexuals in the military, Venezuelan officials responded, "The Military Legislation of the Venezuelan Armed Forces is clear and it does not admit homosexuals in the military."

APPENDIX III

CANADA

Canada has only recently revoked its policy prohibiting homosexuals from serving in the military. While it is too early to predict the long-term consequences of lifting the ban, the military did not experience any problems in the first 6 months since the new policy took effect in October 1992, according to Canadian officials and others we interviewed. Department of National Defence (DND) officials believe the Canadian Forces has made a smooth transition in implementing the new policy because of the military leadership's active support and enforcement of the policy and because of steps taken to keep it a low-profile issue. In addition, the Canadian people had already acknowledged the rights of homosexuals in civilian law and perceived the change as bringing military policy in line with civilian laws. Figure III.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure III not reproducible in RECORD.]

Background

According to the 1991 census, Canada has a population of approximately 27 million. The largest ethnic groups are people with British or French backgrounds or some combination of the two. However, almost one-third of the population has other ethnic backgrounds. The majority of Canadians are either Roman Catholic or Protestant. While most Canadians report a religious affiliation, a much smaller proportion regularly attends church.

The Canadian Forces, an all-volunteer military force, consists of approximately 77,800 active forces and 33,700 reserves. Men constitute 86 percent of the force and women 14 percent. Women are permitted to serve in combat and noncombat positions. Military personnel can be assigned to one of the many military bases throughout the country and therefore do not necessarily serve close to their homes.

According to a Department of National Defence document, Canadian Forces are committed to 16 peacekeeping operations and 4 related operations. These operations involve the deployment of Canadian Forces personnel to a wide variety of countries, such as Cambodia, Cyprus, El Salvador, India, Jordan, Korea, Lebanon, Somali, and the former Yugoslavia.

Canadian law prohibits discrimination on the basis of sexual orientation

Canadians believe that equality is one of their basic values, and this belief is reflected in their constitution and legislation. Canada's laws provide protection of equality rights and prohibit discrimination on the basis of sexual orientation. Homosexual rights have developed over time, marked by the following key events:

In August 1969, the Canadian government revised the criminal code to decriminalize sodomy.

In August 1977, Parliament passed the Canadian Human Rights Act, which states that "race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted are prohibited grounds of discrimination." The act does not specifically address sexual orientation.

In December 1977, Quebec's provincial legislature added sexual orientation to its list of illegal grounds for discrimination in its Charter of Human Rights. Quebec thus became the first Canadian jurisdiction—federal, provincial, or municipal—to explicitly prohibit discrimination based on sexual orientation.

In April 1982, Canada adopted the Charter of Rights and Freedoms as part of the country's constitution. Section 15, the equality rights provision of the Charter, went into effect in 1985.[1] The provision states: "Every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Like the Canadian Human Rights Act, section 15 does not specifically address sexual orientation.

In February 1989, the Supreme Court of Canada ruled that section 15 was to be interpreted broadly, and that analogous grounds or other characteristics that form the basis for discriminating against a group or individual will be entitled to protection under the provision. In the few cases that have dealt with the issue, most courts have ruled that sexual orientation is an illegal basis for discrimination.

In May 1990, the Federal Court of Appeal acknowledged in a court case that "it is the position of the Attorney General of Canada that sexual orientation is a ground covered by section 15 of the Charter [of Rights and Freedoms]."

In August 1992, the Court of Appeal for Ontario determined that the Canadian Human Rights Act should be interpreted to include sexual orientation as an illegal basis of discrimination. As of May 1993, the Department of Justice was sponsoring a bill that would amend the act to include sexual orientation as an illegal basis of discrimination.

Although sexual orientation is an illegal basis for discrimination, Canada does not officially recognize homosexual marriages and adoptions, and does not recognize partner benefits for homosexual couples. However, as a result of the Ontario Court of Appeal decision, Department of Justice officials said that new court cases have been brought forward which challenge the government's stance on partner benefits.

Homosexuals recently allowed to serve in the military

Until recently, the Canadian Forces prohibited homosexuals from serving in the military. Its former policy stated: "Service policy does not allow homosexual members or members with a sexual abnormality to be retained in the Canadian Forces." The policy also required military personnel to report to their superiors other soldiers whom they suspected or discovered were homosexual. DND began to reevaluate its policy in 1986, and the policy was amended in 1988. In 1992, the Federal Court of Canadadeclared that the Canadian Forces' policies restricting the service of homosexuals were contrary to the Charter of Rights and Freedoms. As a result, the Canadian Forces revoked its policies and removed all restrictions on homosexuals. Civilian anti-discrimination laws now apply to the military. DND officials said they are also revising related policies, including those concerning inappropriate sexual conduct, personal relationships, and harassment. According to these officials, the standards of conduct for homosexual members will be identical to those for heterosexual members.

According to DND officials, the Canadian Forces does not recognize homosexual marriages or extend partner benefits to homosexual couples. DND officials plan to make no changes to this policy until the civilian government resolves these issues.

Series of events led to the lifting of the ban on homosexuals

Soon after section 15 of the Charter of Rights and Freedoms went into effect, a DND official said that a number of service members filed discrimination lawsuits against the Canadian Forces. In 1986, DND began to reexamine its exclusionary policy on homosexuals, initiating a series of steps that led to the revocation of the policy.

In February 1986, the Canadian Forces removed the requirement that military personnel report a suspected or known homosexual member of the Canadian Forces to their commanding officer. In January 1988, as DND continued to review its ban on homosexuals, it created an interim policy. The interim policy stated that: "Administrative action

[1] Parliament authorized the 3-year delay to allow governments time to bring their laws in line with the Charter.

might be taken to release a member of the Canadian Forces who acknowledges that he or she is a homosexual and the member concerned does not object to being released. If the member did not agree to be released he or she would be retained with career restrictions which, . . . would have meant [he or] she was ineligible for promotion, for conversion of [his or] her existing terms of service, for posting outside the geographic area, for transfer to the reserve force or for any further qualification courses or training except that required to carry out restricted employment."

In their policy review, DND officials confronted a number of concerns that had been raised about homosexuals serving in the military. These concerns fell into the following areas: security, health, unit cohesion and morale, privacy, recruitment, and discipline. The officials said that they were unable to justify continuing the ban on the basis of any of these concerns. For example:

Concerns had been raised that homosexuals presented a security risk because they could be blackmailed on the basis of their sexual orientation. DND determined that homosexuals are not considered to be a greater security risk than heterosexuals. A DND official said that security classifications are now made on a case-by-case basis and that no assumptions are made about an individual's security risk based on sexual orientation.

Another argument for the ban was that the presence of homosexuals would disrupt unit cohesion and morale. DND officials said that they could not find compelling statistical evidence or research data to support this view, which they felt was needed because the courts do not defer to military expertise or opinion.

On the basis of the policy review, the military's senior leadership concluded that the policy excluding homosexuals should change. In 1991, DND attempted to administratively revoke the policy, but a group from the Progressive Conservative Party of Parliament blocked the proposal.

On October 27, 1992, a Canadian court ruled in favor of a former military officer, a homosexual, who had claimed in a lawsuit that the Canadian Forces discriminated in discharging her on the basis of her sexual orientation. The court stated that the "[Canadian Forces'] policy and any interim policies that have evolved regarding service of homosexuals in the Canadian Armed Forces are contrary to the Charter [of Rights and Freedoms]." That same day, the Canadian Forces' Chief of the Defence Staff issued a statement supporting the court's decision.

Officials said practices comply with new policy

In accordance with the new policy, the Canadian Forces does not take any action when a soldier declares his or her sexual orientation, DND officials said. They also said no restrictions, such as limitations in assignments and promotion opportunities, are placed on the individual.

No near-term problems reported

We discussed the new policy with the only open homosexual member of Parliament; a member of the Progressive Conservative Party who disagrees with the new policy; two homosexual advocacy groups, one of which is the only national organization for homosexuals; a veteran's umbrella group consisting of 22 individual veterans organizations; the Canadian Human Rights Commission; the Department of Justice; as well as DND. All but the Progressive Conservative Party member favor the new policy, and all said they had received no reports of problems associated with it. Mass resignations, lower recruitment, morale and cohesivenessproblems, gay bashing incidents, and more open displays of homosexual behavior—the major problems that had been predicted—have not materialized, DND officials said. In addition, DND and the Canadian Human Rights Commission stated that no active duty members have brought the Canadian Forces to court for discrimination based on sexual orientation since the policy changed.

DND officials told us that they considered implementing the new policy in three phases. First, DND is obtaining compliance with the new policy, and second, DND is promoting acceptance of the policy. DND has not yet attempted the third phase, which is to change the attitudes of military personnel toward homosexuals. Homosexual advocacy groups stated that training was needed to change attitudes.

DND officials and representatives of homosexual advocacy groups said the greatest advantage to the new policy is that homosexuals no longer have to fear being discovered and forced out of the military. They also believe, however, that many homosexuals will not openly express their sexual orientation because they will see no advantage gained in doing so. A representative of a homosexual advocacy group said that because the military is a conservative organization, it attracts conservative homosexuals who would be less likely to be open about their sexual orientation. DND officials said that the new policy has not caused homosexual military personnel to "come out of the closet" in mass numbers.

Significant factors in the Canadian experience

DND officials said the military leadership's public support for the new policy and its unified front were significant factors in making a smooth transition to the new policy. DND also has been able to keep a low profile on the issue. The press corps, for example, has been required to submit all questions relating to the policy to DND's public affairs office.

The cultural and legal aspects of the issue also played a pivotal role in Canada. Canadians believe that equality is one of their basic values, and it is reflected in their laws. Legislation and court rulings concerning discrimination on the basis of sexual orientation provided a legal impetus for lifting the ban.

APPENDIX IV

GERMANY

Germany's policy has permitted homosexuals to serve in the military as conscripts since 1969; however, homosexual volunteers are subject to restrictions during their military careers. While these policies are opposed by homosexual rights groups as discriminatory, they have been upheld by German courts. Military officials acknowledged that homosexual soldiers are discriminated against, but said the policies are effective because they allow for flexibility and deal with homosexual individuals on a case-by-case basis. The officials also said there have been few problems involving homosexual soldiers and characterized the issue of homosexuals in the military as a "non-issue." Figure IV.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure IV.1 not reproducible in RECORD.]

Background

Germany has a population of approximately 80 million, with ethnic Germans constituting 93 percent. Most Germans are either Catholic or Protestant, and the Churches play an important role in German society.

The German armed forces have about 476,300 service members on active duty and 1 million in the reserves. Women are allowed to serve only in the medical and music corps. Fifty-seven percent of the forces are volunteer, and the remaining 43 percent are conscripts. Conscripts are called up at age 19 and are required to serve 12 months. An individual's military service obligation may be deferred for educational reasons. In addition, conscientious objectors may fulfill their obligation in alternative civilian service. Military officials said they try to accommodate conscripts by housing them in areas close to their homes.

The German military is a home-based defense force with no recent combat experience. Military deployment overseas is limited because operations outside of North Atlantic Treaty Organization countries are restricted by the constitution; however, certain noncombat activities are allowed. As of March 1993, Germany has supported five noncombat missions outside Germany, including a recent peacekeeping mission to Bosnia.

Civilian law provides no specific rights or protection to homosexuals

The German constitution provides for basic rights and equality of all people, and Germany has relaxed its restrictions on homosexuals over the last 24 years. However, homosexuals have no expressed rights or protection under German law. In 1969, the civilian penal code was amended to no longer consider homosexual relations among males over age 20 as criminal behavior. In 1973, the law was modified to reduce the age of consent to 18. The law is expected to be changed in 1993 to eliminate specific references to homosexuality.

The changes in the penal code appear to reflect a slow change in German attitudes toward homosexuals. Studies have shown that Germans have become gradually more accepting of homosexuality, although a portion of the population still does not accept homosexuals. Older and more religious Germans living in rural areas tend to be less tolerant of homosexuals than younger, less religious Germans living in urban areas, according to these studies.

Military policies toward homosexuals are restrictive

Germany began to permit homosexuals to serve in the military after homosexual behavior was decriminalized in 1969. Military policy, however, makes a distinction between service as a volunteer and service as a conscript. If a volunteer is discovered to be homosexual during the induction process, he will not be inducted into the military. Military officials said homosexuals are not accepted as volunteers because it is assumed volunteers will eventually rise to leadership positions. According to these officials, homosexuals in leadership positions would undermine military order and discipline.

Similarly, if volunteers are identified as homosexual during their military service, they are usually removed from assignments involving leadership, training, and educational tasks, according to military officials. If a volunteer has served for only a short period of time (within the first 4 years of service), he may be discharged from service. Additional disciplinary actions may include demotion, ban from promotions, and a reduction in salary. These measures are taken, an official said, to prevent negative acts against the homosexual soldier, such as

rejection, provocation, or ridicule, and to prevent breakdowns in discipline.

Homosexuals may serve as conscripts as long as their sexual orientation does not prevent them from living and working in the military environment. During the medical induction examination, examining physicians do not routinely ask conscripts about their sexual orientation, but they may do so if they suspect the conscript is homosexual on the basis of his dress, mannerisms, or statements he makes about his social and sexual activity. Once a conscript is identified as homosexual, he may be required to undergo a separate psychological evaluation. The physicians make this decision on a case-by-case basis, and the decision usually turns on the frequency of homosexual conduct.

If the psychological evaluation indicates that the homosexual would have problems integrating himself into a military environment, the individual will be released from his military obligation. The results of the exam and the reasons for dismissal are kept confidential.

German military policies tend to treat homosexual behavior more harshly than homosexual orientation. Under the military code of conduct, soldiers may be discharged for engaging in homosexual activity, such as acts conducted while on duty and acts involving superiors and theirsubordinates.[1] The code of conduct states that a discharge for such acts is justified when they indicate the individual lacks suitability for service in the military or his presence would imperil military order or harm the reputation of the armed services.

A senior military official said that until 1987, the armed forces had a policy of withdrawing security clearances from individuals found to have a homosexual orientation because these individuals were believed to be vulnerable to compromise by foreign intelligence agents. However, Germany's Federal Administrative court ruled in 1987 that a homosexual orientation alone was not a sufficient reason to remove an individual's security clearance. The armed forces changed its policy to reflect this decision. In November 1990, the Federal Administrative Court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

Officials said practices are flexible

Military officials said their practices concerning homosexuals generally are consistent with existing policies and that actions taken against homosexual soldiers vary depending on the individual involved and the circumstances surrounding each case. Military officials also said that disciplinary actions are also influenced by the rank of the soldier and his time in service. Since German military policies allow flexibility with regard to homosexuals, their cases tend to be dealt with on a case-by-case basis, according to officials.

German homosexual advocacy groups believe the military's policies and practices are discriminatory because they sanction disciplinary actions against a homosexual soldier regardless of the soldier's qualifications or skills. As a result of these policies, homosexual rights advocates state that the percentage of homosexuals in the military is lower than that in the general population. The military does not maintain its own statistics. In addition, these homosexual rights advocates said that professional soldiers are reluctant to acknowledge their homosexuality because doing so would effectively end their career.

Germany's Federal Administrative Court has upheld the military's policies regarding homosexuals. Nevertheless, if the current policy is not changed by the military or the German parliament in 1993, homosexual advocacy groups plan to present their case before the German Supreme Court.

Officials reported few problems involving homosexuals

Military officials, characterizing the issue of homosexuals in the armed forces as a "non-issue," said there have been few incidents involving homosexuals. Official documents indicate that 63 disciplinary court proceedings charging soldiers with homosexual behavior were convened between 1981 and 1992.

Significant factors in the German experience

German military officials acknowledge that homosexual soldiers are discriminated against, but believe that their policies and practices toward homosexuals have been effective for several reasons.

First, the policies allow for flexibility, and incidents involving homosexuals are dealt with on a case-by-case basis. A variety of disciplinary actions may be taken, ranging from no response to immediate removal from service.

Second, the German military focuses on behavior, not orientation. Individuals who are disruptive are separated from the military.

Finally, the regulations controlling the conduct of German soldiers are strict and clear.

APPENDIX V

ISRAEL

Homosexuals have been permitted to serve in the Israeli Defense Forces since the state was founded in 1948. There are no restrictions or limitations concerning the promotion potential of homosexuals, and no special effort is made to identify homosexuals while in the service. Government officials and others we interviewed said homosexuals have served without problems, and their presence has never been an issue. Generally, homosexual soldiers tend to keep their sexual orientation to themselves until they are well established in their units. Figure V.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure V not reproducible in RECORD.]

Background

Israel has a population of approximately 5.2 million.[1] Although 82 percent are Jewish, the society is diverse, with immigrants coming from all over the world. Israelis vary widely in their cultural, economic, and educational backgrounds, as well as their views toward religion and sexuality, but most remain bonded by their mutual religion (Judaism), their pride in the state, and the perception that the state provides the only means of ensuring their safety.

The Israeli Defense Forces has an estimated 141,000 people on active duty and 504,000 in the reserves. Service is based on universal conscription of men and women, who become eligible for service at age 18. Arabs and Bedouins are not required to serve but may volunteer. Also exempted from mandatory service are married and pregnant women and people with severe physical or psychological handicaps. Ultra-Orthodox Jews generally do not serve. Males are required to serve on active duty for 3 years, with reserve obligations of 30 to 60 days a year until they reach their mid-50s. Women must serve on active duty for 2 years, with reserve obligations until age 24. Generally, Israeli soldiers spend a minimal amount of time away from their homes.

We were told by various sources that the military is a very important part of Israeli society. Military service is often considered to be a precondition to a successful career because military service influences the networks and associations used later in life. Since nearly everyone is required to serve in the armed forces, establishing a military record is important. People with medical or psychological problems often try to hide their problems in order to serve.

The Israeli Defense Forces have been involved in perpetual regional conflicts involving the West Bank and Gaza Strip resulting from the 1987 Palestinian uprising. According to Defense officials, Israel is in a constant state of alert due to its close proximity to Arab countries.

Israeli law is supportive of homosexual rights

According to various sources, Israel in recent years has become more accepting of homosexuality, and this is reflected in recent changes in law. Israelis have traditionally held negative views towards homosexuals because Judaism condemns homosexuality. But due to Western influences, more homosexuals are revealing their sexual orientation. According to recent studies by Israeli and U.S. sociologists, Jews in Israel view homosexual rights more favorably than Americans. We were told by U.S. embassy officials that an active homosexual community now exists in Tel Aviv. Nevertheless, most homosexuals still do not reveal their sexual orientation until later in life due to fears of negative parental and societal reactions.

While Israel has no constitution or provisions similar to the U.S. Bill of Rights, the Declaration of the Establishment of the State of Israel includes language that guarantees freedom from discrimination on the basis of sex, race, or religion. Israel's laws regarding citizen rights, including homosexual rights, are still evolving and are gradually becoming more specific. In the absence of a Bill of Rights or similar legal provisions, Israel has relied on the courts to safeguard civil rights and liberties.

Israel has increasingly recognized homosexual rights. For example, Israel decriminalized sodomy in 1988. Further, in 1992, Israel amended its labor law to prohibit discrimination against homosexuals in the workplace. According to the amendment, employers cannot discriminate against employees and job seekers due to a person's "sexual inclination." The amendment covers all conditions of employment, including hiring, working conditions, promotion, training, and dismissal.

In February 1993, the Knesset's subcommittee dealing with homosexual rights hosted a conference to draw attention to homosexual equality before the law.[2] According to the subcommittee's chairperson, the subcommittee is working to obtain full equal rights for homosexuals, and is developing legislation to establish partnership rights for homosexual couples. Currently, homosexual marriages

[1] Heterosexual military personnel engaging in sexual acts while on duty will be subject to disciplinary proceedings.

[1] This figure includes Jews living in the occupied territories of the West Bank, East Jerusalem, the Gaza Strip, and the Golan Heights. The estimated 2.1 million Arabs and other ethnic groups living in these areas are not included in this figure because they are not considered Israeli citizens.

[2] The Knesset is the Israeli equivalent of the U.S. Congress.

are not recognized, and homosexual partners do not have spousal rights.

Homosexuals permitted to serve in the military without limitations

Under Israeli military policy, homosexuality is not a reason for deferment or discharge. Until recently, the military policy restricted homosexuals from serving in intelligence positions; however, this policy was not followed in practice. Currently, no special effort is made to identify homosexuals, and the military places no restrictions concerning the promotion potential of homosexuals. Further, military regulations on sexual behavior state that sexual activity is not to take place in the barracks (males and females live in the same barracks); the regulations make no distinction between heterosexuals and homosexuals. Any problems related to homosexuals are to be handled through normal channels, such as the unit psychologist.

During our in-country review, Israel officially had a military policy that placed certain limitations on the assignment of homosexuals. The regulation, established in 1983, stated that the assignments of homosexuals would be limited because their sexual orientation could prove to be a security hazard. According to the regulation, under no circumstances shall a homosexual soldier serve in a position requiring a top secret security clearance in the intelligence community.

Military officials said that conscripts are not asked about their sexual orientation during induction. However, those who identified themselves as homosexual were required under the 1983 regulation to undergo additional psychological testing. The tests were intended to determine whether (1) the individual's inclination could prove to be a security hazard or (2) the individual had the mental fortitude and maturity to withstand the pressure of serving in the defense forces.

On May 18, 1993, Israel adopted a new military policy concerning homosexuals. This policy states that no restrictions shall be placed on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination. This policy was implemented after we had conducted our in-country review.

Practices agree with new policy

Even though Israel's military policy toward homosexuals is new, our review shows that its practices are more consistent with the new policy than with the 1983 regulation. According to active and reserve military officials, the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring top secret clearance was never formally implemented. According to these officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. Homosexual soldiers, we were told, have served and are currently serving in intelligence positions. For example, we spoke with a number of reservists and retired military personnel who stated that while on active duty they served openly as homosexuals, still received promotions, and were not restricted in their assignments. However, a former colonel in Israeli intelligence testified at the February 1993 conference hosted by the Knesset subcommittee dealing with homosexual issues that he was summarily dismissed from his unit when his homosexual orientation became known in 1983.

According to military officials, the Knesset's conference prompted the Israeli Defense Forces to reevaluate its written policy toward homosexuals. As a result of this conference, the Israeli Defense Forces drafted and adopted its new policy.

Representatives of the leading homosexual and civil rights organizations in Israel said they are satisfied with the military's practices toward homosexuals. They told us that being homosexual has no bearing on an individual's military career and that homosexual soldiers are judged on their merits like any other soldier. Other than the case involving the former colonel stated above, neither organization was aware of any cases in which a homosexual's career had been harmed because of the individual's sexual orientation.

Israel has experienced few problems related to the presence of homosexuals in the military

Military officials believe the Israeli Defense Forces has been very effective in including homosexuals in military service, and they knew of few problems associated with their presence. This was confirmed by representatives of Israeli homosexual and civil rights groups, openly homosexual reservists, and retired soldiers who told us they were openly homosexual during their active duty and reserve service.

Any problems concerning homosexuals that have arisen, officials said, generally involve a homosexual's inability to cope in the military environment. Some military officials believe that homosexuals tend to have more adjustment problems than heterosexuals and that this was one justification for the former policy requiring additional psychological testing of homosexuals.

However, military officials responsible for security and mental health said homosexuals adjusted to military life as well as heterosexuals. These officials noted that most heterosexual soldiers can control their sexual urges when they are living in mixed-sex quarters, and the same is true of homosexual soldiers. Security officials said homosexuals can hold security clearances without posing an unnecessary security risk.

Military officials said most conscripts do not declare their sexual orientation during mandatory service. We were told that most homosexual soldiers are not certain of their sexual orientation at the time of their conscription (usually age 18). Furthermore, those who are certain they are homosexual prefer not to reveal their sexual orientation while on active duty. According to homosexual advocacy groups, homosexual soldiers who openly declare their sexual orientation generally wait until their mid-20s or later when they are established in their units and are judged on their individual merits.

The military has not studied how the inclusion of homosexuals in the military affects unit readiness, effectiveness, cohesion, or morale, but officials told us that, based on their experience, the inclusion of homosexuals has not had an adverse impact on these areas. They also said homosexual soldiers performed as well as heterosexuals.

The Israeli Defense Forces does not provide any educational or training courses dealing with homosexuals to unit personnel. Military officials see no need for training because there are few problems related to the presence of homosexuals.

Significant factors in the Israeli experience

Israeli officials cited several factors that may account for Israel's lack of problems in integrating homosexuals in the military.

First, the Israeli military has allowed homosexuals to serve for 45 years, ever since the country was created. Hence, most people do not have strong feelings about homosexuals' presence in the military. Moreover, homosexuals and homosexual rights in general are not issues which are at the forefront of public debate.

Second, military service is highly regarded in Israel, and deferments are not viewed favorably.

Third, homosexuals have served creditably in the defense forces and have not hurt their units' morale, cohesion, readiness, or capability, based on the experiences of military officials.

Fourth, universal conscription in Israel results in a military force that reflects the diversity of Jewish society. Military personnel accept this diversity, and homosexuals are viewed as just another subgroup.

Finally, in peacetime, Israeli soldiers spend a minimal amount of time away from their homes and thus are not isolated from their private lives.

APPENDIX VI

SWEDEN

Sweden's military has experienced few problems since it began formally allowing homosexuals to serve in the military in 1976. Military officials believe they have been effective in integrating homosexuals, and military officials as well as unit-level officers and conscripted personnel agree with the current policy allowing homosexuals to serve in the military. However, most homosexuals keep their sexual orientation to themselves, and there was a perception among those we interviewed that openly homosexual members of the military might face subtle discrimination, harassment, or other negative treatment from their peers. Figure VI.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure VI not reproducible in RECORD.]

Background

Sweden has a population of about 8.6 million, with the vast majority being ethnic Swedes. Approximately 95 percent of the population belong to the Church of Sweden (Lutheran); however, only a small percentage are active in the church.

The Swedish military forces have approximately 53,000 active duty personnel. In the event of war, Sweden can call up a total of 850,000 troops. Women may serve in the military, but only as officers. About 225 women are currently in the armed forces.

Sweden has universal conscription of men between the ages of 18 and 47. Most young men enroll for military service at age 18 or 19 and start their service within 3 years of enrollment. After completing active duty, the men periodically receive refresher training to maintain their military skills and serve in the reserves until age 47. Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home.

Military officials and others said most young men consider military service an obligation and want to fulfill their military duty. However, it has become easier to obtain an exemption from military service, and there is less stigma attached to not completing military service than in previous generations. In addition, for the first time, Sweden's current defense budget is not sufficient to conscript all available young men. As a result, about 6,000 of the eligible conscripts will not be required to serve this year.

Currently, Swedish soldiers are serving with United Nations peacekeeping forces in Lebanon, Korea, Cyprus, Angola, Kuwait, Central America, Kashmir, Cambodia, Croatia, and the Middle East.

Swedish law prohibits discrimination against homosexuals

Sweden has historically been a strong advocate of human rights, as demonstrated by its role as a "safe haven" for individuals denied human rights in their home countries. The basic rights and freedoms of Swedish citizens are guaranteed by the Instrument of Government, Sweden's constitution. Some rights are absolute, while other can be restricted by Parliament. Homosexuality is not a specifically protected right, but discrimination against homosexuals is prohibited by a 1987 law and is a criminal offense under the Swedish penal code. Sweden has no laws that restrict sexual behavior or prohibit sexual acts between consenting adults.

While homosexual rights are protected, the issue generally is not discussed in Swedish society because sexuality is considered a private matter. In 1984, a parliamentary commission on homosexuality found that "the silence surrounding homosexuals and homosexuality is virtually total." On the basis of our discussions with numerous individuals, we found that this silence is still pervasive in Swedish society. The overwhelming sentiment is that homosexuals should have equal rights, but that their sexual preferences should be kept to themselves.

Sweden began to ease restrictions on homosexuals in 1944, when it decriminalized homosexuality under the penal code, but most changes in homosexual rights have occurred within the last 15 years. In 1978, the age of consent for homosexuals was changed to 15 to coincide with the age of consent for heterosexuals. In 1979, the National Board of Health and Welfare removed homosexuality from the Classification of Illnesses Handbook.

In 1978, Parliament established a commission to study homosexuality in Swedish society. In its 1984 report, the commission concluded, "The only certain difference between homosexuals and heterosexuals is that homosexuals are emotionally attracted to persons of the same sex. In light of this background, it is obvious that homosexuals should not be discriminated against." This report, Swedish officials said, led to passage of the 1987 anti-discrimination and cohabitation laws providing rights and protection to homosexuals. The anti-discrimination law makes it a criminal offense for commercial establishments to refuse services to homosexuals or for individuals to make derogatory remarks based on a person's homosexuality. The cohabitation law provides each cohabiting individual the right to half of the jointly-owned home and household goods when cohabitation cases.

At the time of our review in April 1993, two other issues concerning homosexuals were under review in Parliament. The first was a proposal to establish registered partnerships, which would provide homosexual couples basically the same rights as heterosexual couples, but would not include the right to adopt children. If one partner were to die, for instance, the surviving partner would be able to receive insurance, pension, and inheritance benefits. The second issue was a proposal to include homosexuals as a protected category under the Act to Counteract Ethnic Discrimination. Officials we interviewed anticipated parliamentary approval of the registered partnership legislation and inclusion of homosexuals under the act by the spring of 1994.

Homosexuals permitted to serve in the military with no restrictions

Under Swedish military policy, homosexuals are permitted to serve in the Swedish armed forces. The current policy, established in 1984, states that since homosexuality is increasingly accepted by society, it is not a reason, by itself, for treating an individual differently in the military.

Prior to 1976, a medical diagnosis of homosexuality during the enrollment process was supposed to result in an automatic exemption from military service. According to Swedish Defense officials, however, this exemption was not strictly imposed, as most enrollment officers treated homosexuality on a case-by-case basis. In 1976, the Manual for Medical Personnel in the Armed Forces was revised to eliminate the automatic exemption for homosexuals. And in 1979, when the National Board of Health and Welfare removed homosexuality from the Classification of Illness Handbook, the military no longer diagnosed homosexuality as an illness. However, the military continued to maintain records of those individuals identified as homosexuals. This practice was halted in 1984, the same year that the commission on homosexuality issued its report stating that homosexuality must not disqualify an individual from serving in the armed forces.

Also in 1984, the Supreme Commander of the Swedish Defense issued a policy statement on homosexuals in the military. This policy, which is currently in effect, states that what is essential is the individual's ability to cope with his or her sexuality. If an individual has reached the level of maturity where homosexuality is an accepted or controlled part of his or her personality, there is no basis for treating this individual differently than others in the armed forces.

Under the current policy, as part of the routine psychological interview during enrollment, conscripts are asked if they have any problems that would interfere with their ability to fulfill military service, but they are not specifically asked if they are homosexual. They have the liberty and opportunity to disclose their homosexuality but are not pressured to do so. Individuals who believe they will have problems due to their homosexuality may be excused from their military obligation. If they choose to complete their military service, no record is kept of their homosexuality. There are no additional steps or follow-up tests required if conscripts declare their homosexuality.

Sweden's 1987 anti-discrimination law, which prohibits discrimination against homosexuals, also applies to the military. No separate military policies address assignments or promotions for homosexuals.

Practices appear to be consistent with policy

Our discussions with military personnel indicated that military practices are consistent with the policy on homosexuals. Senior officials and unit personnel told us that the armed forces do not make an effort to identify homosexuals, do not discriminate against homosexuals in the enrollment process, and do not formally place restrictions on the assignment and promotion of homosexuals.

Representatives of two homosexual advocacy groups said they are satisfied with the current policy of accepting homosexuals into the military, but the groups had differing opinions about discrimination in the military's promotion and assignment processes. Representatives of the Swedish Federation for Gay and Lesbian Rights believe that, despite the military's policy, homosexual officers may be denied career opportunities or promotions. However, they could provide no supporting evidence. The President of the Gay Conservatives of Sweden did not believe homosexuals were discriminated against in the military.

Few problems concerning homosexuals have occurred

Sweden has not studied the impact of admitting homosexuals into the armed forces, but military officials said few problems concerning homosexuals have occurred. For instance, the officials said that the inclusion of homosexuals had not adversely affected unit readiness, effectiveness, cohesion, or morale. Most of the unit personnel we interviewed agreed with the Swedish policy of admitting homosexuals, and few of these personnel knew of any problems concerning homosexuals. We frequently heard the comment that the important issue was whether the person could do the job.

Representatives of Parliament's Human Resource Council of the Swedish Defense and the Central Council of Conscripts[1] told us that homosexuality is not an issue in the military. The Human Resource Council makes several visits a year to various military installations to discuss personnel issues with military officials, unit-level officers, and conscripts. The Vice-Chair told us that in her 12 years on the council, homosexuality has never been raised as an issue. Likewise, the Chairman of the Central Council of Conscripts said issues related to homosexuality have never been raised to the organization.

Military personnel and others know of few open homosexuals in the military. For example, of the 42 unit personnel we interviewed, only 3 knew for sure that they had served in the military with a homosexual. Ten other unit personnel "suspected" that certain unit personnel may have been homosexual. Further, the four commanders at Air Force, Army, and Navy facilities we visited did not know of any homosexuals among the approximately 2,400 conscripts they commanded. A psychologist said that, at most, 10 conscripts a year disclose that they are homosexual during enrollment, out of approximately 12,000 conscripts that are processed through that enrollment office.[2]

Many military officials believe that openly homosexual individuals could experience some adverse impact on their careers. For example, the officials discussed two cases where homosexual officers had been reassigned. In one case, they said, the officer's homosexuality was believed to present a security risk. In the other case, the officer "was exerting his homosexuality in a bad way." Further, military officials and unit personnel said openly homosexual individuals could face harassment and other negative treatment from their peers, and possible subtle discrimination in the assignment and promotion process. Some military personnel and others said that when individuals choose to be open about their homosexuality, they tend to reveal their sexual orientation to those in their immediate unit that they know well and trust.

Significant factors in the Swedish experience

A significant factor in Sweden's ability to integrate homosexuals may be the private nature of sexuality in Sweden and the virtual silence surrounding homosexuality. We were told that few homosexuals in the armed forces are open about their sexual orientation, but that those who are could face harassment from peers and subtle discrimination.

[1] The Central Council of Conscripts of Sweden is a group of conscripts elected by their peers to represent their interests in dealings with the Swedish Defense Force.

[2] This is one of six enrollment offices in Sweden.

Three other factors may contribute to Sweden's success in integrating homosexuals into the military.

First, Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home. Thus, they are not isolated from their private lives for long periods.

Second, Sweden's strong commitment to human rights is reflected in civilian as well as military policies regarding homosexuals.

Finally, many homosexual conscripts at the age of 18 or 19 may not yet be fully aware of their sexuality or homosexual tendencies and therefore tend not to make their sexual orientation publicly known.

APPENDIX VII

MAJOR CONTRIBUTORS TO THIS REPORT

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Mrs. BOXER. I would like to say, in closing this debate, I think our side has shown, first of all, that Congress has never before excluded a whole category of people from service because they told the truth about who they are. Yes, I think the chairman of the Armed Services Committee is correct——

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. BOXER. I ask for 10 more seconds, if I might?

Mr. NUNN. I do not have any objection.

Mrs. BOXER. In these 10 seconds let me close by reading from Barry Goldwater, former chairman of the Armed Services Committee. "Congress will best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination."

I hope my amendment will be agreed to.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I yield such time as the Senator from Indiana may desire, consistent with my time.

Mr. COATS. Mr. President, we are coming to the conclusion of a very long, exhaustive process. The record is thorough; it is complete. The military has weighed in from generals to sergeants and privates and everyone in between. I believe there is a more than rational basis for the decision that the committee has made.

The issue before us and the vote before us is whether or not we should ignore the voice of Congress, the voice of elected representatives in determining what the policy should be relative to homosexuals serving in the military and rely exclusively upon the President. The Constitution of the United States not only gives us the right, it gives us the responsibility—I believe the obligation—to have our voice heard. We have done that in a thorough, thoughtful manner. I urge my colleagues to support the decisions the committee has made.

I commend Senator NUNN for his outstanding, extraordinary leadership on a most difficult issue.

Mr. BINGAMAN. Mr. President, I rise today in support of the amendment.

Mr. President, the first time I focused any real attention on this issue was when I read about the case of Col. Margarethe Cammermeyer of Washington State. Colonel Cammermeyer, a National Guard nurse given a Bronze Star for her efforts in Vietnam, was discharged last year after more than 27 years of service to this country. She was discharged after admitting during an application for security clearance to attend the War College, that she is a lesbian. Her commander apparently did not want to begin proceedings against her. He recognized her commitment to the armed services, and to our country, as strong and unwavering.

Unfortunately, he had no choice. He was bound—by law—to begin discharge proceedings against her.

From my perspective, this case was an important one because it raised serious questions about our policy for dealing with the problems of homosexuals in the military. It helped to set the stage for what we are about to vote on very soon.

As we all know, the issue became prominent on the national agenda because President Clinton, as part of his campaign, promised to end the ban on homosexuals serving in the military. After becoming President, he announced his intention to honor that promise and thus began the painful and torturous debate that has brought us to this point.

Mr. President, this is one case in which our efforts to reach consensus and a reasonable resolution of a difficult issue have fallen short. But it is a case in which the President, his Secretary of Defense, and the Joint Chiefs of Staff have deliberated long and hard on how to proceed. The Secretary of Defense has issued a directive incorporating their agreement, and I am persuaded that our best course of action is to leave the Department of Defense free to work with this new policy—without Congress legislating at this time.

Mr. President, there are many books written about the principle of judicial restraint—where courts hold back from exercising their power in deference to other branches of government or other centers of authority. Unfortunately, our history does not reflect a similar sentiment in favor of legislative restraint.

But that legislative restraint is exactly what I believe should be adhered to in this case.

Let me cite two reasons why I believe we should permit our military leaders the opportunity to implement their own policy in this area:

First, ours is a country founded on the great ideal that all men are created equal. We have not always honored that ideal, but history should demonstrate that where we have fallen short of that ideal we have come to regret our actions.

Once all the arguments have been made, the legislation we are here being asked to adopt codifies intolerance against persons with a particular propensity, even though there may be no evidence of objectionable conduct. India has its untouchables. Japan has its burakumin. and for purposes of our military, at least, this legislation makes it clear that we ourselves make no pretense of equal treatment for those with a homosexual propensity.

A second reason we should exercise legislative restraint is because military commanders need discretion to act in the best interests of their units. In many cases, that may mean that a homosexual should be excluded from the unit and discharged from the service. In other cases, a commander may conclude that unit morale may actually be heightened by permitting a soldier who has broken no code of conduct to continue honorably serving his or her country.

Commanders should be trusted with the authority to command their own troops. We in Congress should not legislate a "one-size-fits-all" solution regardless of the facts faced by a particular commander.

In conclusion, Mr. President, the proposed legislation may be good politics, but it is not worthy of the ideals upon which this Nation was founded. If our Bill of Rights means anything, it means that people should be judged on the basis of their conduct, not on the basis of being classified as part of an unacceptable group.

I urge my colleagues to vote to strike the proposed legislative language.

Ms. MOSELEY-BRAUN. Mr. President, I speak today in favor of the Boxer amendment.

After 6 months of excruciating national debate, the President and Secretary of Defense, working closely with the Joint Chiefs of Staff, arrived at a carefully-crafted compromise on the issue of gays and lesbians in the military. The policy was broadly described as "Don't ask, don't tell, don't pursue."

I was among those who was prepared to end the ban immediately, and I would still support an immediate end to the ban. The recently released comprehensive $3 million study by the

Rand Corp. confirmed what many of us in the Senate have known all along—there is not one shred of scientific or battlefield evidence that gay and lesbian Americans are unfit for military service or that their presence in the military is detrimental to order, discipline, or unit cohesion and morale.

In fact, every bit of evidence we have highlights the fact that gay and lesbians have historically served and will continue to serve their country with honor and distinction.

That is why when the President announced a new policy that would end the intrusive questioning of recruits on their sexual orientation, reinforce the importance of the strictest codes of conduct for all servicemembers—whether homosexual or heterosexual—and end the notorious witchhunts that are the real destroyers of unit morale, many Americans on both sides of this issue said "this seems like a reasonable compromise—let's see how things work."

But the language codified in this bill is not the language of the President's compromise. It omits the don't-ask and don't-pursue provisions of the compromise, ignores the Joint Chiefs' agreement that a certain zone of privacy should be respected for all servicemembers, and attempts to micromanage the Department of Defense.

So the question we face today is a simple one: Do we not trust President Clinton, Secretary Aspin, and General Powell to honorably carry out the policy that they arrived at after so much soul-searching and debate? The new policy may not be a perfect solution, but at least let us give it a chance to work before we replace it with something more restrictive, more punitive, and more in conflict with the principles of equal opportunity and fair play that we strive to uphold in this country.

One thing has become clear over the past 6 months: The American people want to move forward on the issue of gays in the military, not backward. Codifying a more restrictive version of the President's policy is nothing less than a giant step backwards. Until we reach the day when patriotic gay and lesbian Americans are allowed to serve openly and proudly in our military—a day that I know is coming—let us choose the alternative that allows for maximum flexibility and respect for individual rights. That is the President's policy. And that is the policy that the Boxer amendment upholds. I urge my colleagues to vote for this amendment.

Mr. DOLE. Mr. President, I rise in opposition to the Boxer amendment. In my view, granting the President the authority to lift the ban against gays serving openly in our military would strike a serious blow to the effectiveness of our fighting forces and would damage the morale of our military.

The sole purpose of our military is to fight and win. It is to protect our security and our freedom. Nothing else. And it is clear that the Congress has the constitutional responsibility in matters regarding military personnel policy, and to ensure that our forces are fully capable of securing our freedom.

This amendment ignores the massive evidence and testimony presented to the Congress by the experts that lifting the ban on open homosexuality in the Armed Forces would seriously degrade unit cohesion which is at the core of an effective fighting force.

In my view, military service is not a right—it is a privilege. And as a privilege, our military leaders are charged with setting standards of conduct and discipline which will strengthen their ability to meet their vital mission. So, I believe that we should listen to the experts when they warn us that lifting this ban would result in a serious degradation in our ability to fight and win. General Powell, General Schwarzkopf, and other military leaders provided compelling testimony that lifting the ban would cause serious harm to good order and discipline of the force. I received the same view from over 20 veterans groups who brought their concerns forward.

Now, I oppose discrimination. My record is long and clear on that point. But, I do not believe that this is an issue of discrimination. It is not a question of fairness or equal rights. It is a question of preserving the effectiveness of our fighting forces and ultimately, our national security.

It is for these same reasons that the military refuses to accept people who are overweight, too short, too tall, people who are color blind, or who are handicapped. While it might be more fair to allow anyone to serve, no matter that their presence might harm the effectiveness of the force, it is simply not a prudent course.

Conducting social experiments with our security is simply not good policy, and I commend the Armed Services Committee for crafting a policy which provides our military leaders with clear and unambiguous standards of conduct. That those standards specifically state that "homosexuality is incompatible with military service" is a result a careful analysis and testimony by our military experts. In my view, that finding is both rational and appropriate.

I urge my colleagues to oppose the Boxer amendment. The agenda of our military should be to secure our freedom.

Mr. PELL. Mr. President, I wish to express my support for the amendment offered by my colleague from California, Senator BOXER. Her amendment, which I believe is based on reason and fairness, would leave up to the President, our Commander in Chief, and his Secretary of Defense, the enactment and enforcement of a policy concerning the service of homosexuals in the Armed Forces.

My own view, Mr. President, is that men and women should not be prohibited from serving in the Armed Forces solely because of their sexual orientation. I believe such a prohibition is discriminatory and is just as inappropriate as discrimination based on race, gender, or religion. I believe all our service personnel should be judged on performance and behavior and held accountable to the strict code of military conduct which is necessary for the effective operation of military units.

I believe, Mr. President, that the section of this bill dealing with this issue is a less than perfect approach to an issue that has a profound impact, both real and emotional, on our society. When Congress entered into a compromise agreement with President Clinton on this issue on January 29, it was my hope that the 6-month period would provide an opportunity for the President and congressional and military leaders to explore an approach which, when implemented, would be positive, fair and equitable. However, to the dismay of many, Mr. President, the committee provision is indeed far more restrictive than President Clinton had envisioned and articulated earlier this year.

Moreoever, Mr. President, a $1.3 million study commissioned by Secretary Aspin and conducted by the Rand Corp. found most of the concerns stated by opponents of lifting the ban to be unfounded. Rand, a respected think tank in California, concluded that homosexuals in other countries have served admirably and with no adverse effect on unit morale or cohesion. The study also concluded that a proper approach to this vexing issue is the implementation of a policy which "emphasizes actual conduct, not behavior presumed because of sexual orientation, and holds all service members to the same standard of professional conduct." This, Mr. President, is the approach and resolution that most of us thought would be implemented subsequent to President Clinton's January directive to end the ban on gays from serving in the military.

Mr. GORTON. Mr. President, I am going to vote in opposition to the amendment that Senator BOXER has introduced today. This amendment would strike the current sections of the Defense authorization bill that outline policy on homosexuals in the military, and require that the President dictate policy on this issue.

While I agree with the broad outlines of the policy set forth by the President in July, I believe that the provisions Senator NUNN has included in this bill are preferable. According to those provisions, homosexual conduct will continue to qualify a service member for

dismissal, as will a statement of homosexuality, unless the service member later disavows the statement or affirms celibacy while in the service. This policy also clearly defines homosexual conduct, and gives military commanders discretion in initiating investigations into homosexual conduct, while still demanding that they do so only when an activity appears to affect unit cohesion. This should end witchhunts into service members' sexual orientation.

Most importantly for the purposes of this amendment, this approach will also make the ban law, avoiding the lawsuits that would have resulted under the President's ambiguous policy, and effectively concluding this painful and divisive debate by removing it from the realm of administrative policy. I believe that those on both sides of this issue have been disappointed with the manner in which the President has conducted this debate.

Over the 6 months set aside for examining this policy, I listened closely to those people who would be most affected by it, paying special attention to those who serve in the Armed Forces. I also met with homosexual groups concerned with how this policy will affect their service in the military. While I understand their concerns, I disagree with them on this issue. I believe that the provisions included in this bill represent a balanced solution—one that will maintain our armed services high morale while allowing for some of the obvious changes in our society's attitudes and customs. As a result, I consider it the best possible solution to a difficult situation.

The Boxer amendment leaves entirely to the President a policy judgment which should be made by the Congress after listening to its national constituency.

The PRESIDING OFFICER. The Senator from Georgia has 18 seconds.

Mr. NUNN. Mr. President, I will use my 18 seconds to commend the Senator from California, the Senator from Massachusetts, who testified so eloquently before our committee, and all of those who have a very sincere, strongly held view on the other side of this issue. I think it is a very tough issue. It involves a balance between individual rights and the Nation's security, and people of good faith can come down on different sides of it.

I do think we have had a very high level debate both in the committee and on the floor, and I thank all of our colleagues for their attention.

The PRESIDING OFFICER. Under the previous order, all time having expired, the question occurs now on the adoption of the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. WALLOP], and the Senator from Texas [Mrs. HUTCHISON], would vote "nay."

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—33

Akaka	Feinstein	Metzenbaum
Biden	Harkin	Mikulski
Bingaman	Inouye	Moseley-Braun
Boxer	Jeffords	Moynihan
Bradley	Kennedy	Murray
Campbell	Kerrey	Pell
Chafee	Kerry	Riegle
D'Amato	Lautenberg	Robb
DeConcini	Leahy	Sarbanes
Dodd	Levin	Simon
Feingold	Lieberman	Wellstone

NAYS—63

Baucus	Durenberger	Mathews
Bennett	Exon	McCain
Bond	Faircloth	McConnell
Boren	Ford	Mitchell
Breaux	Gorton	Nickles
Brown	Graham	Nunn
Bryan	Gramm	Packwood
Bumpers	Grassley	Pressler
Burns	Gregg	Pryor
Byrd	Hatch	Reid
Coats	Hatfield	Rockefeller
Cochran	Heflin	Roth
Cohen	Helms	Sasser
Conrad	Hollings	Shelby
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
Danforth	Kempthorne	Specter
Daschle	Kohl	Stevens
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Dorgan	Mack	Wofford

NOT VOTING—4

Glenn	Murkowski
Hutchison	Wallop

So, the amendment (No. 783) was rejected.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 782, as modified. There is no time agreement.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

Madam President, our revered President pro tempore has agreed that I might speak at this point, and we will proceed to his amendment directly thereafter.

LYING TO A U.S. SENATOR

Mr. MOYNIHAN. Madam President, I rise on a point of personal privilege. I rise to say that as a United States Senator on an official visit to Bosnia and Herzegovina—specifically on a flight to Sarajevo—I was diverted by the United States Armed Forces, the United States Air Force in this particular case, and I was lied to. I have attempted in the most restrained manner to bring this to the attention of the Department of Defense and the Air Force.

The distinguished chairman of the Committee on Armed Forces has forwarded a letter of mine with the particulars to Secretary Aspin. I was on a plane flown by the West Virginia Air National Guard, a C-130, headed for Sarajevo. We were told to land at Zagreb—on the grounds that the Sarajevo airport was closed by weather. It was not closed. I was lied to.

Now, that is an act which no officer in the U.S. Armed Forces can ever allow to happen to a subordinate, much less himself or herself.

A moderate request was forwarded by the chairman of the Armed Services Committee to the Department of Defense on March 9. There has been no effort to explain. In response to repeated phone calls, to conversations with the Secretary of the Air Force, there has been no explanation. This Senator has been lied to with evident indifference and manifest impunity.

Madam President, I have a term of speech which was commonly used about 50 years ago in the Navy, the old Navy. Next year it will be 50 years ago that I joined the Navy. There was an offense in that Navy, and may still be—a former Secretary of the Navy is in this Chamber and may know. The term is "dumb insolence." It had been a flogging offense; it is not yet. Not silence, but expressed contempt.

I was lied to in the following manner. And I ask the Senate if it will indulge me to read the letter I prepared at the request of the chairman of the Committee on Armed Services, that he would forward to the Secretary of Defense. Which Secretary of Defense, we read in this morning's New York Times, is going to fly to Sarajevo himself—if he is not lied to.

We learn that the National Security Adviser does not wish him to. A tug-of-war appears to have broken out between the Pentagon and the White House over Defense Secretary Les Aspin's planned trip to Sarajevo.

I hope Mr. Aspin is listening to me because it is not a light thing to lie to

a U.S. Senator on an official mission nor to the Committee on Foreign Relations. It is an occasion for censure. It is an occasion for court-martial. It is an occasion for dismissal from the service, and this Senator has seen too much of this through too many Presidencies, from John F. Kennedy forward, to think it may be shrugged off.

Madam President, I will take the liberty of reading the letter which I wrote to Chairman NUNN on March 9, 1993.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 9, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During Thanksgiving week of last year, I travelled on Foreign Relations Committee business to assess the conflict in the former Yugoslavia. My travel had been authorized by Chairman Pell and concerned, of course, one of the most difficult and immediate foreign policy issues facing our country. In addition, I spoke to president-elect Clinton before my departure, and he asked me to prepare a report for him on my findings.

Because of the difficulty of travel in that region, I had requested and been promised in theater military aircraft. To go to Sarajevo I planned to hitch a ride on one of the U.N. relief flights. Thus it was on the morning of November 23, 1992, that I set out for Sarajevo from Frankfurt on a West Virginia Air National Guard C-130 loaded with meals ready to eat. En route, I was advised that EUCOM wished to divert the plane to Zagreb because it was Pentagon policy not to fly a U.S. Senator into Sarajevo. I told the crew to radio back that if the West Virginia Air Guard were prepared to take the risk of flying into Sarajevo, so would I. EUCOM seemed to acquiesce and on we went.

A short time later, we were advised that the Sarajevo airport was closed, and we would have to land in Zagreb after all. At the tarmac we were met by the U.S. Charge in Croatia, the estimable Ron Neitzke, who had been hastily summoned to greet the arriving dignitary. As I apologized for arriving on such short notice explaining about the Sarajevo weather, Neitzke looked at me with astonishment. Flights, he said, had taken off from Zagreb for Sarajevo just minutes before my arrival.

It happened I had been lied to. The next day I made my way to Sarajevo on a Canadian C-130, stayed through a night of incessant shelling, and returned to Zagreb on a British flight. Upon my return I received the following message from the Pentagon: "Further cooperation with Codel Moynihan is cancelled." Without the in theater aircraft I could not visit Belgrade, Kosova, or Macedonia. And, as a result, a mission undertaken for both the Foreign Relations Committee and President-elect Clinton was partially thwarted.

I can understand that the bush Administration did not want a U.S. Senator to see what was going on in Sarajevo. What is unacceptable, or so it seems to me, is for the U.S. military to mislead a United States Senator. Sarajevo airport was not closed on Monday morning, November 23. I was told it was. Before the Senate considers the nomination of the next Secretary of the Air Force, I would like to have a full written explanation of the decision to divert our aircraft to Zagreb, as well as for the subsequent petulant act of retribution.

As I know you recognize, the professionalism of our military is undermined when it is asked to mislead to Members of Congress. That is why I attach such importance to this matter.

Sincerely,

DANIEL PATRICK MOYNIHAN.

Madam President, this letter was sent by Senator NUNN to the Pentagon. He has talked to persons at the Pentagon about this letter. He has received no response. I have talked. We have received no response.

What do they think Iran-Contra was about? It was about lying. What do they think that whole sequence of troubles we have had in 40 years of cold war so frequently has been about? It has been about deception.

I indicated I would hold up the appointment of the Secretary of the Air Force, which I did not do. The President at that time was talking about air strikes in Bosnia, and it seemed to me no time for him to be in a situation that he did not have a Secretary of the Air Force. I have spoken to the distinguished incumbent and asked to have some explanation. None comes forward.

There are several possible explanations for this silence. One is that they could care less whether the Department lied to a Senator or not. This was not a pleasure trip. We were putting our lives at risk, as was that West Virginia Air National Guard crew. Something very large, important—genocide is important—was at stake. The whole post-cold-war international order was at issue. Mr. Clinton met with Mr. Izetbegovic yesterday. We met with him in Sarajevo. I drove in an Egyptian armored personnel carrier from UNPROFOR headquarters to the President's offices with shells landing nearby. I do not want to be dramatic about this, but this was not a trip to the beach.

Evidently, the Air Force does not mind that this is my view, or it knows that the view is correct and is concealing it. I do not know if there is any alternative view. They do not answer. I know that over a year ago, Senator WARNER went to Sarajevo. And a relief flight was shot down, and they became apprehensive about trips of this kind. I understand that.I do not understand that they lied, and do not even think my inquiries require some response.

Madam President, I will vote against this legislation and any legislation having to do with the Defense Department until they bring a response. I also propose to put a hold on any nominations from the Department of Defense. I have not, in 17 years in the Senate, done anything like this. But I was a member of the Select Committee on Intelligence for 8 years, and 4 years vice chairman with my esteemed colleague, Barry Goldwater. I saw Barry Goldwater lied about. I feel I have been lied to.

If Senators accept this, what else will we accept?

I see my able and gallant friend, the Senator from Virginia, on the floor. He got into Sarajevo in the spring of 1992. I got into Sarajevo later that year. Now the Secretary of Defense means to go. We did so in circumstances which were, at minimum, made difficult and, at worst, became duplicitous.

You cannot ask uniformed officers to lie to Senators. You cannot order them to do it. It breaks down the entire code of military honor. Clearly—I cannot say clearly, but I hypothesize that the order came from Washington, and it came from a civilian officer, and now the uniformed service is being allowed to suffer from it.

I think that is dishonorable in the utmost. Why their successors do not wish to clear it up is a mystery to me. Do they understand the military? Have any of them been in the military? Do they care about military honor? I hope they do. I hope they are listening. I hope they are ashamed. And I shall be happy to come to this floor and say this whole matter has been cleared up and put behind us. But Madam President, it happened almost a year ago. That war goes on, that war which evidently they did not wish people to see. I regret that it happened.

I see my gallant friend, the former Secretary of the Navy, has risen.

I yield the floor.

Mr. WARNER. Madam President, it is just by coincidence that I am present on the floor here today, and I am absolutely astonished by the facts revealed by our distinguished and most respected colleague. He is a former sailor in World War II. He has taken innumerable trips on behalf of this body and the respective committees on which he has served through the years. It is imperative that we get to the bottom of this.

It has been my experience, in the 14 years I have been privileged to serve in the Senate, that the military has always treated me and—so far as I know—other Members of the Senate with complete accord, dignity and honesty. Therefore, we must get to the bottom of this promptly.

The Senator mentioned that I did, in the spring of the same year, manage to get into Sarajevo. Again, it was facilitated bythe U.S. military, together with UNPROFOR commanders. It took modest persuasion, because at that point no other Member of Congress had actually gotten beyond the airport into Sarajevo, and I shall always be grateful to the French commander who took it upon himself to make that possible. That is the spirit in which all of those parties dealt with me and, presumably, other Members of Congress.

I think the chairman of the House Subcommittee on Defense Appropriations made a similar trip shortly thereafter, or in that basic timeframe, because it is important for those of us who by virtue of our committee assignments have some special responsibility

for that particular conflict to get in and see it for ourselves. Indeed, that visit did, as I am sure did the Senator's visit, enable me to have a far better understanding of the situation and the complexity and indeed the insolubility of the problems in that region.

So I will join with my distinguished colleague and friend, the Senator from Georgia, together with the ranking member from South Carolina, to see what we can do to get a prompt response to the Senator's inquiry.

It is most regrettable and embarrassing that the Senator had to bring this matter to the floor of the Senate. I feel that he is perfectly within his rights not only to bring this up but also take his stance with respect to the nominations until this is resolved. I think those of us on this side of the aisle have some special responsibility, in that Secretary Cheney at that time was Secretary of Defense. I will personally undertake to work with our chairman to see if we can expedite a reply, and I am hopeful that that reply would be satisfactory.

Mr. MOYNIHAN. May I express my great gratitude to the Senator from Virginia. My concern is simply that the military not ever be put in a position of having to commit an action which to an individual officer would be dishonorable. This can be cleared up. Not to do so suggests that it does not matter. It matters a very great deal, as I know it does to the Senator from Virginia and the Senator from New York. I thank him very much.

Mr. WARNER. As the Senator said, he had taken of his time to go to that part of the world, and then to be thwarted in an attempt to get in to reach his destination, and to compound it, thereafter other portions of the trip he was undertaking, not only for the body of the Senate but also for the President-elect, were terminated. That is my understanding.

Mr. MOYNIHAN. Exactly.

Mr. WARNER. I think he is doing a service to this body, to refine whatever rules are out there so we have a full understanding such that other Members, when they might travel atsome point in time, will have a better understanding of what can and cannot be done and who has the discretion.

Mr. MOYNIHAN. I could not ask for more. I thank the Senator.

I yield the floor.

Mr. WARNER. Madam President, parliamentary inquiry. What is the status of the Senate?

The PRESIDING OFFICER. The pending business is the Byrd amendment. There is no time agreement, but Senator MOYNIHAN asked Senator BYRD to yield.

Mr. WARNER. That is clear. I ask unanimous consent to proceed for a period not to exceed 5 minutes on a matter related to the underlying bill, the armed services bill, and then I will yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Earlier today, I addressed the Senate regarding an amendment which I now send to the desk and simply ask that it be printed in the RECORD and laid upon the desks of the Members for possible action tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I would like to read this amendment.

It is the sense of the Senate that no person who was a member of the Armed Forces of Iraq during the period from August 2, 1990, to February 28, 1991, and who was in a refugee camp in Saudi Arabia as of the date of enactment of this act, shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person, No. 1, assisted the United States or Coalition Armed Forces after defection from the Armed Forces of Iraq or after captured by the United States or Coalition Armed Forces and, No. 2, did not commit or assist in the commission of war crimes.

In essence, this amendment is to indicate to the administration that it is the sense of this body, and hopefully of the other body, that those persons who were serving in the Iraqi military, and in that capacity took up arms against the coalition military forces during Desert Shield and Desert Storm should not be allowed into this country for resettlement and given a status from which they can compete for jobs and other benefits with our own veterans, many of whom are still struggling with the aftermath of their heroic service in that Persian gulf conflict.

I should hasten to add that it is my understanding that the vast majority of Iraqis who have been admitted to the United States as refugees since the end of Desert Storm have been civilians who have a legitimate fear of persecution in Iraq, and thus qualify for refugee status.

My concern is with that small number of Iraqi refugees who served in the Iraqi military during the time of Desert Shield and Desert Storm against United States and a coalition Armed Forces. My amendment does make an exception for these former Iraqi soldiers who assisted the coalition war effort after their capture or defection. There are a number who fall in this category and who should be helped because of their assistance to our war effort.

I know that each Member of this body, including the Senator from Virginia, is receiving numerous inquiries from constituents, and indeed from Americans all across our land, expressing indignation at a policy which would enable our former adversaries in the Iraqi military to come to the United States and be given rights and privileges and protections. It is an affront to every Persian Gulf war veteran that this policy is in place.

The purpose of my laying this amendment before the Senate at this time and having it printed is, first, to suggest to my colleagues that they might wish to join me as cosponsors, and, second, to give the Departments of State and Defense an opportunity to come back and express an opinion on this amendment. I have made preliminary inquiries of both Departments, but I am still awaiting definitive responses.

I thank the Chair and I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the Byrd amendment, which I understand is the pending amendment, be temporarily laid aside for the purpose of the Senate deliberating and deciding on a Sasser amendment which is an amendment on SDI funding as I understand it.

Mr. SASSER. The Senator is correct.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 785

(Purpose: To reduce the amount provided for ballistic missile defense programs and to allocate the total amount among the ballistic missile defense programs and program elements.)

Mr. SASSER. Madam President, I send an amendment to the desk on behalf of myself, Senators BUMPERS, JEFFORDS, SIMON, BOXER, and WOFFORD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. SASSER] for himself, Mr. BUMPERS, Mr. JEFFORDS, Mr. SIMON, Mrs. BOXER, and Mr. WOFFORD proposes an amendment numbered 785.

Mr. SASSER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64 strike out line 21 and all that follows through page 65, line 3, and insert in lieu thereof the following:

more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such program a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60

Mr. SASSER. Madam President, the defense authorization bill that we have been debating off and on for the past 2 days comes before the Senate at a time when virtually every Member of this body has gone on record vigorously many times, time after time, if not on the floor, back in their home States in favor of additional reductions or cuts in Government spending.

That is precisely what this amendment that I am offering the body addresses today. We will be reducing the authorization if this amendment is adopted for the SDI, the old strategic defense initiative, and its follow-on programs, reducing the authorization from $3.4 billion for fiscal year 1994 to $3 billion for fiscal year 1994.

In essence, what I am seeking to do today is to save $400 million of taxpayer money over the next fiscal year.

When my colleagues have been stating time after time that we need to cut spending, then I think they are speaking as they should. As we debate this bill, we speak not only to our national defense needs. We also speak to a threat that is burrowed deep into the economy of this country, and I am referring to the budget deficit that threatens the very survival of our Nation.

This budget deficit saps our economic strength. It tears at the very fiber of our republic.

Our former colleague, one that I had the great pleasure of serving with for 12 years, Senator Barry Goldwater, made this frightening prediction just a few months ago about what would happen if we do not control the budget deficit in the next 5 years. Senator Goldwater said: "This country will not last 10 years. It will be bankrupt."

So, the question before us today, as reflected in the amendment which I will offer, is one of balance. It is one of responsible management.

It goes to the heart of the fights that we wage on different fronts—one fight on the front of national defense and the other on the front of fiscal responsibility. We simply cannot ignore either, and if we do so, we do so at our peril.

We do not live in a world unvexed by war. I wish that we did. We do not live in a world that is not troubled by those who would plunge us once more into darkness and bloodshed. The despots are out there. Saddam Hussein and the unrelenting horrors of Bosnia show us how fragile the peace can be.

Of course, this country must never let down its guard. And charters, covenants, and treaties alone are not going to keep the peace. We know we must be strong and we know we must be vigilant.

But we also know in our hearts and we know intellectually that the world has changed since the late 1970's when we began the onset of the largest peacetime military buildup in the history of this country. Much has happened. No need to recount it all. It is obvious.

The other military superpower in the world, our chief rival, the Soviet Union, has disintegrated. It is no more. The Berlin Wall, or the few pieces that are left standing of it, is nothing more than a ghostly relic.

In light of the radically changed international order, the Senate Armed Services Committee moved decisively to review the military threat to our Nation and to set priorities for a new defensive strategy. I wish this afternoon to commend the committee and to commend its able chairman for moving in that direction.

During the 102d Congress, the committee charted a new course that would adapt to the changes in the post-cold-war era and ordered a military builddown. This military builddown had five guiding, bellwether principles that were as valid when they were enunciated as they are today.

The first principle is maintaining nuclear deterrence at lower levels and with greater stability.

Second, emphasizing a reinforcement strategy that comes about with increased military mobility and increased rapid deployment capability.

Third, increasing the utility of the reserve forces of our military.

Fourth, applying a flexible readiness, which is defined as keeping those echelons of our military that are likely to be first committed to be the most ready and those unlikely to be committed or, if they are to be committed, only when there is long lead time to prepare them for their commitment, allowing them to stay at a lower edge of readiness.

And, fifth, thinking smarter, not richer, in making procurement and force structure decisions.

But I submit to my colleagues that our task here today, in this Congress, is more difficult than it was in the 102d. It is made more difficult because the budget deficit looms even larger. The imperative call is to cut spending. The people are demanding that we cut spending. All spending, whether it be military, domestic, discretionary, entitlement spending—all spending. And no department of the Federal Government, no agency of the Federal Government, no program of the Federal Government is immune from scrutiny and immune from cuts.

Every Senator in this body who sits on an appropriations subcommittee or an authorizing committee knows the harsh realitythat we face. We no longer ask: What do you need? The question is: What can you cut further?

I think it is elementary that the American people have a right to expect their Government to watch every dollar and to husband every resource, and this must include military spending, as it does all other Government spending.

Even recognizing that military spending has steadily declined in real terms since the mid-1980's, we have to take cognizance of the reality that the starting point for this spending reduction was an all-time peacetime high in military spending.

Yes, the cuts have been real, no question about it. But they have been dictated by monumental world events. We still have to weigh every dollar of military spending in balance against the threat it would aim to deter.

That is why, Madam President, I am very concerned about the authorization for what we now call the ballistic missile defense organization, formerly known as the strategic defense initiative, SDI, or Star Wars, contained in this legislation.

Madam President, whether you call it ballistic missile defense, whether you call it strategic defense initiative, whether you call it Star Wars, or Brilliant Pebbles, or some other name, there can be little doubt this program took on almost mythic proportions after its creation in 1983.

We all remember very well the dramatic announcement made by President Reagan of this new wonder defense that was going to put an invisible shield all across the United States. Some of us were incredulous at the time.

Tens of billions of dollars later—tens of billions of dollars later—we learned that Star Wars was more dream than reality. We have learned that there really are no miraculous technologies to protect us from a nuclear nightmare.

In fact, it was revealed just 3 weeks ago that SDI was oversold to this Congress and the American public.

Quoting from an August 18 New York Times article:

Officials in the Star Wars project rigged a crucial 1984 test and faked other data in a program of deception that misled the Congress.

On that particular point, Madam President, I heard the distinguished senior Senator from New York just a moment ago eloquently describing what he perceived to be a misinterpretation, to put it as charitably as possible, of the facts to him by persons in the Department of Defense last year.

On this whole question of officials in the executive branch or judicial branch, for that matter, actively and with knowledge and malice aforethought, misleading the elected representatives of the American people, and that is what the Congress is, I do feel that very strict penalties and very severe measures should be taken against those who actively and deliberately mislead the American people by misleading their elected representatives.

Mr. NUNN. Will the Senator yield on that point?

Mr. SASSER. I am pleased to yield.

Mr. NUNN. I know the Senator is referring to the New York Times article. I myself was disturbed when I read that article. I asked our committee staff to immediately get in touch with the Department of Defense about that, those series of allegations in the New York Times. I also asked Dr. Perry to come over and give us a description of what they found.

I ask the Senator from Tennessee to please get briefed on that subject this afternoon. I hope we will have an unclassified version of what actually happened, because Dr. Perry has informed us this morning that story was distorted and inaccurate and portrayed a false impression of what actually happened.

So I know the Senator has every right to be concerned about the allegations in that New York Times article. But I hope here in this debate no one will make judgment based on that article until they have heard the version that has been looked into in the new administration by the new civilian leadership, working for a Democratic President who had no responsibility whatsoever for the program at that time. Because that article, according to Dr. Perry's thorough examination, is grossly inaccurate.

I did want to let the Senator from Tennessee know that, as we proceed in this debate. I hope before the afternoon is over, I will have a statement from Dr. Perry that will show what did happen and what did not happen, and how that article is distorted.

Mr. SASSER. Mr. President, I thank the distinguished chairman. I must say, I certainly hope the article is incorrect. Because I would be very disturbed indeed if the article should prove accurate, that data was faked in a program of deception, to deceive the Congress, as the New York Times had previously reported. I will look forward to getting additional information on that subject as described by the distinguished chairman.

But, Madam President, I am not here this afternoon to revisit previous debates on the strategic defense initiative, nor to call for its elimination, for that matter, although the elimination of the whole SDI—strategic defense initiative, star wars, ballistic missile defense concept, whatever you want to call it—would be justified in the eyes of many.

This body has decided in the past that ballistic missiledefense has a place in our national defense, but that it must be tailored more closely to fiscal and strategic reality. In the post-cold war world, the threat posed by theater missiles to our forces deployed abroad and to our allied civilian population is real and it is immediate. But I would say that the threat of an intentional attack by a long-range ballistic missile against the United States has become almost nonexistent.

I believe the Armed Services Committee funding levels, providing nearly $3.5 billion at a time when the most serious threats facing this country in my view are not military threats from abroad but economic and fiscal threats within our own borders, I would say that funding this strategic defense initiative, or ballistic missile defense program, at a level of $3.5 billion is more in line with cold-war strategic thinking and a cold-war strategic threat.

The administration reoriented the ballistic missile defense focus away from Star Wars and directed it toward what I will call Scud wars, defense against short-range-type, Scud-type missiles that we saw operating in the Persian Gulf war. I think that war provided graphic rationale for increased vigilance against this type of short-range theater missile. So what is the problem here today with the funding for the ballistic missile defense, or the SDI funding? I think there are two problems and I think this amendment will address both of them.

First, there is a larger budgetary problem with the entire bill. I ask my colleagues to examine this chart. The first bar, the blue bar labeled cuts provided describes the action of the Senate Armed Services Committee in the bill before us. The distinguished chairman and the members of his committee are to be commended for the $188 million in spending cuts they have already made in this authorization bill.

However, based on a preliminary estimate of the appropriations allocation process, defense outlay cuts of nearly $2.6 billion could be required. Therefore, comparing the Congressional Budget Office estimate of the defense authorization bill with the cuts required, means the authorization bill totals could exceed the defense appropriations subcommittee's outlay allocation by about $2.4 billion.

What am I saying? What I am saying is that the Senate Armed Services Committee in this bill before us today has authorized the spending of about $2.4 billion more than the defense appropriations subcommittee is going to be able to fund or appropriate. So a final resolution of this outlay problem is going to have to be found.

But as things stand today, the defense appropriations subcommittee may have to reduce by over $2 billion the spending recommendations in the Armed Services version of the authorization bill to comply with its 602(b) appropriations allocation. And I am saying we ought to start today by trying to make the authorization bill comply with the appropriations that are available. And the easy way to begin is slicing $400 million off the SDI authorization.

I understand there are various scorekeeping issues surrounding the discrepancy. I do not minimize the difficulty involved, if the defense appropriations subcommittee must come up with the entire difference. But I would submit that cutting SDI a bit would be a good start toward bringing this bill into compliance with defense cuts likely to be required to meet the budget caps. And would do so in a manner which would not affect the two most important components of our military: Personnel and readiness.

We are all familiar with the argument that we are met with when we try to make cuts in the defense appropriations bill in large measure. We are told the only really substantial cuts you can make immediately are in personnel and readiness, and those are things that simply must not be sacrificed if we are to meet our defense obligations.

So let us begin today by slicing $400 million off the strategic defense initiative, saving this $400 million and not putting ourselves on a crash course or a collision course with the appropriations process when we get to the defense appropriations bill.

Second, and perhaps equally as important, SDI or BMD has become a program of pay now and then pay even more later. Since the program's inception, we have spent well over $30 billion on ballistic missile defense and, as you can see by this chart, if we closely follow the $3.8 billion request for fiscal year 1994, as this bill does, it will lead

to even larger SDI costs in the outyears. You can see, if we fund here at the level of $3.8 billion, in order to maintain that funding level in the programs that we have started, by 1995 we are funding at $6.5 billion, culminating in a $7.1 billion program in fiscal year 1999 for the SDI.

In other words, the level of ballistic missile funding today has a direct effect on the level of funding in the future. One triggers the other. We have already put $30 billion in this strategic defense initiative since President Reagan announced it in 1983. Let me just give you some idea of how that $30 billion expenditure compares with other expenditures during the same period of time.

As we were putting $30 billion into the strategic defense initiative, we were putting $8 billion into drug interdiction to try to keep drugs from coming into this country. I ask my colleagues, what is the greatest threat to this Nation today? Intercontinental ballistic missiles coming across our borders or cocaine and heroin and other drugs coming across our borders by the ton and poisoning our youth?

As we were putting $30 billion in SDI, over the same period of time, we put $16 billion in Head Start, a program to take the disadvantaged children and give them a leg up in our society; twice as much, almost twice as much into SDI as into Head Start.

I ask my colleagues, if you will, to walk two or three blocks away from this Capitol Building today and walk through some of those neighborhoods. I will ask you, where do you feel the most threatened, by what you see around you in those neighborhoods or by an intercontinental ballistic missile that might be launched against the United States?

Or how about the environment? As we were spending $30 billion on SDI, we were spending $28 billion on protecting the environment right here in the United States of America.

So I refer to these other programs to give my colleagues some frame of reference in making a determination as to just how much money has already been spent and what we have gotten from that.

I see the distinguished Senator from Louisiana on the floor, and I will be pleased to yield to him.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I want to congratulate the distinguished Senator from Tennessee. This is a battle over SDI that I have fought many years and this is, in a sense, a replay of that same battle.

I remember very well when Ronald Reagan, President of the United States, announced the first Star Wars Program. He announced we were going to have an astrodome over the United States, a leakproof defense, which was going to make this country impervious to Russian attack with their thousands of nuclear missiles.

Shortly thereafter—a few months—and after he had convinced millions of Americans that they need no longer worry about Russian nuclear arms, the ground shifted and we were told, "Well, the President did not literally mean that. What he did mean was we would have a continental defense which would insulate this country from the vast majority of Soviet missiles. But we were assured shortly thereafter that there would be a test applied to any kind of missile defense called the Nitze test, named after the distinguished arms control adviser, Paul Nitze.

That test was that we would build no system, that we would expend no money unless it was spent pursuant to a plan that would get us more defense than the opposition could get by spending more in additional weapons; in other words, we would not spend $2 to stop a weapon that it would take them $1 to build. Common sense. And it was, in fact, very reassuring to many of us who were highly skeptical of the fact that you could ever meet a Nitze test on any ballistic missile defense.

Nevertheless, that was declared as the policy of the Armed Services Committee, the Department of Defense, the policy of this Nation that the Nitze test of financial feasibility would always be applied. Then, Madam President, it is amazing the number of iterations and reiterations that we have gone through on Star Wars or SDI.

We started with a presumed architecture in which the missiles would orbit the Earth in more or less a bus—that is, a bus which would carry many missiles—with the control mechanism being a series of geosynchronous satellites which in turn would give the command to the bus to fire at the missiles.

There were some problems with that. We found that it could not shoot down the Russian missiles in the boost phase which meant that they would then deploy all of the warheads that came out of the missile which, in some cases, would be 20 or more, so that it presented a huge problem in being able to shoot down that many individual warheads coming over since you could not get them in the boost phase because we could not have that many buses orbiting.

We also found that there was an almost insurmountable problem with decoys because they could deploy out of one missile hundreds of Mylar decoys, which would be balloons, in effect, but would travel like missiles and look on the radar as if they were missiles in fact. Indeed, there was no answer to that.

Then the strategic defense initiative announced we had a new plan to deal with that. They called it interactive discrimination. They were going to have a neutral particle beam from another satellite which was going to be able to shoot neutral particle beams which, in turn, could get inside the Mylar fascia, the skin of the balloon, and, in effect, discriminate between that which had a lot of mass and that which did not have a lot of mass and, therefore, be able to give the command to shoot down only the real missiles rather than the Mylar decoys. This had a few problems, too.

First of all, they were not sure they could make it work to discriminate. Second, there were absolutely huge computing problems in being able to do all this discrimination, get the information back, and put it with all the millions of lines of code that the computers would require. Indeed, in all of these iterations, they never solved the computing problem. Computer experts would come in to see me and say absolutely you cannot solve that problem.

Mr. NUNN. Will the Senator from Louisiana yield just for a brief observation?

Mr. JOHNSTON. Yes.

Mr. NUNN. I think it is a fascinating bit of history we are hearing here about the SDI Program, and much of what the Senator from Louisiana says the Senator from Georgia agrees with in terms of over-described, rhetoric, excessive expectations that were portrayed.

As the Senator knows, we cut down the amounts and channeled this in a very precise way in the Limited Missile Defense Act of 1991, so we changed directions on this program very substantially 2 years ago.

But I would just ask the Senator from Louisiana if he recognizes that the administration, this administration, new President, Democratic President, new administration, new people in charge, are now allocating two-thirds of the money, of all this money to theater missile defense?

Mr. JOHNSTON. Madam President, I am perfectly aware of what the administration is saying and was going to get to that. But I think you have to get this history before you can vote those kinds of dollars.

If the Senator will allow me to go through the history, then in fact I would like to engage him in debate, because one of the problems with this whole thing is that this has always been sort of a confession and avoidance on the part of my dear friend from Georgia, skilled debater that he is, always caught with the faults of the administration, the overclaims, the exaggerated claims of the administration. Every year we would come in and see my distinguished friend from Georgia on the floor and say, "Do you not know that you cannot deal with this interactive discrimination?"

"Yes, we know that, but we have a new plan." And so I just wanted to go through these steps in the new plan.

Mr. NUNN. I understand the Senator's point, but I would also ask the Senator if he would think back just a couple years to the Persian Gulf war and recognize that the largest number of casualties we suffered in the Persian Gulf war was directly attributable to a theater ballistic missile basically killing 38 of our people. And this is what this program is primarily designed for now. Two-thirds of the program is designed for that.

I think it is interesting history here and there is nobody that could—I have given the Senator's speech myself several times in committee to the Reagan administration officials and even to some extent to the Bush program, although it changed substantially. But the question is what we are going to do now. This business we have heard this morning—I know the debate will become more enlightening as we go along, but so far all we have heard is about the Reagan administration. We have not heard anything about the theater defense. That is where two-thirds of the money is going to go. That is a present danger and threat to our military forces wherever they are deployed in the world and we have to have the defense for that.

Mr. JOHNSTON. I am ready to get to that if the Senator would permit me to go through it, because if it is not interesting to him, I think it is very salient history because it is a replay in some respects of what we have had——

Mr. NUNN. I would emphasize the word history.

Mr. SASSER. Will the Senator from Louisiana yield for just a moment?

Is the Senator from Louisiana aware that under the Senate Armed Services Committee bill there is no allocation to theater missile defense?

True, under the administration's provisions they are allocating 48 percent to theater missile defense, but under the authorization bill before us there is no allocation. In other words, we are simply asked to authorize a lump sum of money here that may go to theater missile defense; it may go to national missile defense; it may go to research and support. We do not know where it is going to go. We are leaving that to the administration. The Armed Services Committee authorization bill as I understand it has made no allocation.

Mr. NUNN. Will the Senator yield?

Mr. JOHNSTON. Madam President, if I could reclaim my time.

Mr. NUNN. Will the Senator let me answer the question. I will take 30 seconds.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. NUNN. If I could just answer that one question, then I will yield back to the Senator.

The Senator's chart is also history. The administration has two-thirds of their total request now, which is an average of $3.6 billion a year, that is allocated to theater defense. The Armed Services Committee bill allows the shifting of funds within this account. Presumably, the administration which has two-thirds in mind for theater defense would shift funds in accordance with the authority of the Armed Services Committee bill. It is the Sasser amendment that would limit the theater defense to 48 percent. So you would be cutting in your amendment the percentage that would be allowed in addition to cutting the amount, so this would go strongly against the President's program. And I would ask the Senator to update his chart on this because it is not in keeping with the bottom-up review.

Mr. JOHNSTON. Madam President, if I may reclaim my time.

Mr. NUNN. I thank the Senator.

Mr. JOHNSTON. We tried interactive discrimination, Madam President. It was found wanting. It did not work. Next they tried a ground-based laser. They built huge facilities out in New Mexico, and there were certain problems with the ground-based laser. First of all, it took an enormous amount of power, in the hundred megawatts of power. In effect, you had to build a huge, big powerplant or drop off on huge supplies of power. You had trouble focusing it and, indeed, getting it to propagate through the atmosphere. It is like trying to shine a huge light through the atmosphere. The atmosphere simply stops it.

Madam President, I think it is safe to say that the ground-based laser did not work. Then we were told, well, we have a new machine called the x ray laser, and the people from Lawrence Livermore came in, and they said, look, this is a pop-up laser, so you do not have to have these things orbiting in space. You can shoot them out of submarines upon word of the launch.

In other words, when the sensing satellites find that the launch has occurred, they can send the signal to the submarine which is waiting right under the water, send a rocket up into space and could have this—the rocket then goes up into space,senses where the warhead is coming in. There would then be a nuclear explosion which would propagate an x-ray laser. That is, in fact, how the x-ray laser was going to be propagated—by a nuclear explosion.

That obviously had huge problems, Madam President. For one thing, you could not reuse the laser once the explosion took place. And secondly, you would have to have a huge number of submarines all around the United States ready to pop up with their lasers and with many rockets.

And then there was a problem, what do you do with Canada and protecting that part from the x-ray laser.

And then there was a huge problem again with the computers.

But we had that debate here on the floor about the x-ray laser and the fact that it did not work.

Then, Madam President, they came up with a new solution. It was called Brilliant Pebbles. And the advantage of Brilliant Pebbles was that you would have these low-cost little machines. I was literally told that you could launch a rocket with an independently computerized sensor for $300,000; and therefore you would be able to put up thousands of them, independently targeted, so that they would be, in effect, swarming around the world in low altitude orbit. They would be able to sense—there would also be some kind of undescribed connection between the geosynchronous satellite, but they would be independently targeted and sensed and each with a portion of the atmosphere to guard against.

Well, Madam President, it was perfectly obvious that you could not solve the problem of cost with thousands of these machines, and you never could figure out how to get the computers to match, and how you would keep these from shooting down your own friendly satellites or somebody else's friendly satellites. In any event, Madam President, Brilliant Pebbles was finally abandoned.

Then we came up with a continental defense, Madam President, and this is more recent times. We were told there would be some seven sites that would be required, but it would be able to defend against an accidental launch only because when you are dealing with continental defense, which is in effect a ground-based defense, then there are too many warheads, if you are dealing with an intercontinental ballistic missile attack from at that time the Soviet Union or Russia or Ukraine or wherever it is.

And you reach to catch these things in the air or in the atmosphere, should I say, or better still in the boost stage in order to be able to guard against this. So it was really only for accidental launch that this was to guard against.

We further inquired about it. They said, well, there are some holes in it. Low trajectory from a submarine would not be covered, when a submarine would come off our coast and launch a low-trajectory shot at the United States. Actually it was not for nuclear attack so much because the preferred means of delivery, talking about a terrorist bomb, or one or two bombs, is in a suitcase. That way you cannot trace who did it. And a nuclear bomb can be carried literally in a briefcase, and certainly in a suitcase. If you cannot stop bales and bales of marijuana coming into this country, a sophisticated terrorist operation could clearly get in nuclear weapons.

So we began to scratch our heads and say: What is it we are defending against and who are we defending against?

The latest iteration before this one was that marvel of ambiguity which was sold to us as continental defense with one or more ground-based stations, one or more. And with a space option in between.

This was sold as a compromise in the Armed Services Committee, a compromise because they did not want to reveal what the full cost of seven sites in this country was, which would have been absolutely enormous. They did not want to reveal that if you built all seven sites you still would have to defend against the suitcase bomb and the low trajectory.

So they said one or more, and they held out the hope that one would cover the country. There was not a scientist in the country who believed that one ground-based site could cover the continental United States, absolutely could not do it. And it still did not solve the problem of the suitcase bomb. So why spend a huge amount of billions of dollars to do just that?

Madam President, the ground has shifted again. Now we have theater missile defense. But do you know what? There is no architecture for theater missile defense.

We are not told what kind of missiles, or where they are going to be. Oh, they describe it as a theater high elevation or something defense. We are not told how many, whether they are ground-based, whether they are ship-based, what they cost, what the delta for the program is; that is, what the spending delta will be.

Literally, Madam President, if you call them up today, well, at least if you called them up yesterday, because I did and asked for this information and they said that is not available. It is somewhere in the bottom-up review. We are being asked to support a program of this size and not only is there nothing in writing, you cannot call them up on the telephone at the Department of Defense and get a description. I am not kidding you.

So that maybe this is history. But I can tell you what I got yesterday is pretty recent history.

Madam President, the French have an expression that says the more things change, the more they stay the same. And that is certainly true with SDI and Star Wars.

Oh, there has been a huge amount of change. We started with a leakproof astrodome. Then we went to a continental attack defense, which was mostly leakproof. Then an accidental launch protection for continental defense. Then a continental point defense against accidental launch. Then a foreign ortheater nonnuclear defense. Now we are at someplace that at some time they come over and give you a briefing. I was told this morning as I was told a few months ago that as soon as this is available they will come over and give a private briefing. Only they want the money now.

So there has been a lot of change in the program. Let me tell what has not changed in this program. There is still no architecture. And $30 billion later we do not know what kind of machines, rockets, devices are going to make up this defense. We do not know where they are going to be deployed, on land or on sea, or in which theaters. We are just told theater. Does that mean NATO? Does that mean the former Soviet Union? Does that mean only Israel? Does that mean all of the Middle East? How many is it going to take?

How do we even know that these numbers have any meaning at all, because they will not give you the numbers, Madam President, if you call them up today.

The second thing that has not changed is it still does not meet the Nitze test. That is to say there is no proof given that the billions we spend here will be cost effective in the number of missiles they defend against. It never has in the past. We do not even know what this plan is.

Third, and I am sorry my friend from Georgia is not here, but every single year there has been this confession and avoidance tactic of the Armed Services Committee. Yes. We know the program was flawed in the past. But now it is different.

Madam President, at each one of these steps along the way that I described when they were talking astrodome, when they were talking interactive, Brilliant Pebbles, the bus delivery system, the ground-based laser, the X-ray laser, it was always, yes, we know that program is flawed but we have a new solution.

I sat here on the floor last year and inquired about this continental defense system where they had more than one continental-based system, and still a space-based system. And I was told that candidate Clinton is for the program. Well, I do not know what President Clinton is for, because they will not tell you over there, Madam President. And I think they have not focused yet on what the program is. If they have, they will not give that information to the Senate.

Madam President, I say this not in criticism of the Armed Services Committee because it is their job to carry out to some extent at least the program of the White House and of the Department of Defense. But the program of the Department of Defense has been found wanting for $30 billion.

The only thing that you can really count on as consistent policy from the Department of Defense is they want full funding. They will confess the errors of the past but, they want full funding for today's program even though they will not describe what today's program is, what it will cost; how it will be carried out; what kind of research will be done; where it will be deployed; how many countries; whether it is cost effective. All of these questions have never been answered. They do not even attempt to answer these programs.

Madam President, the Senator from Tennessee does not go nearly as far as I think he ought to go. Certainly until we are given a plan, with justification for that plan, we should not be spending $3 billion, $4 billion, whatever it is this year, $6 billion next year. It is madness, madam President.

This body which is so concerned about Federal spending. You talk about one of these programs of research and development on the civilian side and it involves fractions of this. You say, oh, we cannot do that, but if you do it in terms of SDI, you do not even have to explain the program. I mean you get a program that is changed from A to B to C to D to E to F every single year, it changes like night and day. You are still asked to fully fund it without being given justification for it.

Why we should do that, I do not know, Madam President. I can tell you this: The Senator from Tennessee has a plan here that saves a few bucks—I think $450 million.

Mr. SASSER. Slightly over $400 million. Let me say to my friend, the Senator from Louisiana, I applaud him for his long and vigorous fight against what I perceive to be exorbitant funding of this whole Strategic Defense Initiative over many years.

I remember the distinguished Senator from Louisiana telling me this some years ago when he first began fighting against the growth of this SDI Program: "Mark my words. Once they get this thing started, they will put a piece of it in this university, they will put a piece of it in somebody else's State. By the time they get through with it, they will have it spread around so you will not be able to stop this program, and it will not work." That is what the Senator from Louisiana said almost a decade ago.

I agreed with him then, and I agree with him today. I would be trying to cut more out of this Strategic Defense Initiative today if I thought we could, if I thought we had the votes to do it. You will remember that, last year, Senator BUMPERS and myself were successful in reducing the funding by $500 million here on the floor of the Senate. This led to a filibuster. The debate went on for days. The bill had to be taken down off the floor. And finally, we were able to compromise and save, I think, $250 million out of a total of $3.8 billion that was spent that year.

So we take as much as we can take, I say to my friend from Louisiana. If I could take $2 billion out today, I would be standing here doing it. But I think we may have a chance at getting a majority of votes to cut out over $400 million today. That is the reason I am proposing that. I would like to propose more.

Mr. JOHNSTON. Madam President, I appreciate the practical politics of being able to do as much as you can do, and I think that may be a worthwhile compromise.

I see that the Senator from Georgia has left the floor. I wonder if my friend from Maine—if he is sort of manning the shop—can tell us what the Department of Defense has in mind. Have they told the Senator from Maine how much is going to be spent, whether these things can be ground based, based at sea, how many theaters are going to be there, and what the cost is? I wonder if he knows the answer to those questions.

Mr. COHEN. If the Senator can wait a few moments, we are going to present some detailed information to him since he has not been able to get it directly from the Pentagon. We will see that he gets the information he has been looking for.

Mr. JOHNSTON. Have they given it to you then?

Mr. COHEN. I think you will find there will be satisfactory answers presented to you.

Mr. JOHNSTON. There will be answers.

Mr. COHEN. They may not be satisfactory to you, but they will be answers.

Mr. JOHNSTON. If they are satisfactory, Madam President, there have been technological breakthroughs that have occurred in the dark of night and have not been revealed to anybody on the Intelligence Committee and Defense Appropriations Committee, both on which I serve.

Madam President, there is another thing that has not changed about this program, and that is that there is an element of sort of a flim-flam, where the Senate somehow falls for it. There used to be a scam called a pigeon drop that I guess is a nationwide sort of thing. But they used to do it in Louisiana. They would get some poor, relatively poor, usually old, fairly ignorant person coming out of a bank, having made a deposit, and somebody would come up to him on the street with a bag of money and say, "I found this money. What do you think we ought to do with it?"

That person would say, "I do not know."

Then about that time the third person who is a confederate of the first would come up and say, "Well, I think we ought to split it up. But I will tell you what, you are going to have to put up some good faith money."

Then they get the first person to go back in and withdraw his or her life savings, and they would come back and say, "You give it to me, and the other person will come up with the money, and we will divide it up in just a minute."

Lo and behold, the real money would be gone, and they would be left holding the bag. It would work year after year after year, and I just heard—

Mr. COHEN. I think only in Louisiana.

Mr. JOHNSTON. I heard of a new part of that scam which was practiced, and I do not know whether it was in Maine. They called up somebody and said, "You have just won the Publishers Clearinghouse Sweepstakes, but you are going to have to pay your taxes in advance, so send us a certified check." They borrowed the money and sent a certified check of $200,000 or $300,000, the check was cashed and, of course, they had not won.

The Senate, Madam President, is falling for this pigeon drop year after year. I mean, they come in with this nonsense, such as interactive discrimination, Brilliant Pebbles, continental defense; every year it is something new. They say, oh, that is right, last year they did not have the right information, but this year we are right.

This year we do not even know what the program is. We are promised somebody is coming with a plan. We have sent a message to Garcia, and Garcia will at some time arrive, we hope, we think, but Garcia is not here, and the plan is not here.

Madam President, why we cannot cut this modest amount before we receive the plan, I do not know. At a time when everybody wants to cut the budget, why can we not at least cut a program that does not even exist? I mean, it is a concept over there in the Department of Defense. Somebody has an idea that they want to protect theater missile defense. Yes, we had a Scud missile that hit the barracks, but is that a reason to go into this multi tens of billions of dollars program sight unseen? That is what we are being asked to do, sight unseen. I hope we vote for the SASSER amendment.

Mr. SASSER. May I inquire of my friend from Arkansas how much time he would like?

Mr. PRYOR. I really want to ultimately ask a question, if I might, of the manager. But I would like to make a statement of 3 or 4 minutes before. So I will need 5 minutes.

Mr. SASSER. I yield to the Senator from Arkansas.

Mr. PRYOR. Madam President, first, I compliment my friend from Tennessee, because he has been a steadfast, concerned Member of this body about this program, which has grown by leaps and bounds, and whether it was good or bad in the mid-1980's or not, that remains to be seen. Notwithstanding all of this, he has been a steadfast and concerned United States Senator about the taking of taxpayers' money for this particular purpose.

I applaud him, and I also applaud my friend from Louisiana who left the floor, Senator JOHNSTON, and also my colleague and friend from Arkansas, Senator BUMPERS. The three of those Members of the Senate, I think, have been very responsible for years and years of attempting to shine light upon this particular subject.

When our friend from Louisiana just mentioned the pigeon drop scam, there is another one that has been around even longer than that—the old-fashioned snipe hunt. I do not know if they have that out in California or in Maine. I think in Tennessee there are some snipe hunts that go on.

But in Arkansas, the old snipe hunt is an old, fun game, where when somebody new came to town, you would say, "Let us go snipe hunting tonight." You say to the new person in town, "We are going to let you climb up in that tree and hold this big bag, and you sit up in that tree and do not move, do not wiggle a leaf, do not do one thing but sit there and hold that bag open. And at a certain time tonight a snipe is going to fly right into that bag, and you are going to close that bag, and you will have caught a snipe, and you will have won the prize. You climb up in that tree, do not say a word, and we are going to come get you when the time comes."

Of course, the person climbs up in the tree, holds the bag, and the snipe never comes.

We have been holding the bag, Madam President, the snipe bag, and the snipe has never come into the bag yet. And year after year after year, we have seen this debate over and over. This is not new. We are not going to hear a lot of new concerns and a lot of new allegations because this debate has been going on for a decade—for one decade—on the floor of the Senate and the floor of the House of Representatives.

For example, there is one thing, talking about a snipe hunt, that I have been trying to find out for the last week. It is the simplest of all questions, but there is no answer to it. There is no answer from the Pentagon. There is no answer from SDIO. There is no answer from the Armed Services Committee. Not one member of the committee has bothered to answer.

The question is this, Madam President: What today, after some $30 billion of appropriations—$30 billion—what today would be the unobligated balance in the SDI account? That is a pretty simple question. You can call HUD today and say, "What is in the section 202 program?" Or what have you. What is the unobligated balance in this or that program? They can tell you.

You can call the Small Business Administration. You can say, "What is the unobligated balance in the Small Business Administration account for small businesses in Arkansas?" They can tell you.

You call SDIO, the Armed Services Committee, or anyone in charge of this

program: "Oh, we do not have that figure. We do not know how many funds we have that are unobligated."

Madam President, I think this is one of the key questions that we must have answered before we can continue appropriating money for this program.

Madam President, I was not on the floor a few moments ago, and I am sorry I was not. But at 4:30, or sometime—and I have been waiting all afternoon for someone to please tell me that a New York Times story was not correct relating to the testing of the SDI program in 1983 and 1984—I am available. I have canceled every appointment this afternoon. I am ready for someone from the Pentagon or the Armed Services Committee to come and show me why that New York Times story was not correct.

Until they do that, I am going to assume that we have seen some fraudulent testing of this program. I am going to assume that. Maybe they can disprove it, and I look forward to that briefing. I look forward to any report the distinguished chairman of the committee can bring out to help disprove this story.

Mr. NUNN. Madam President, will the Senator yield for a question?

Mr. PRYOR. I am glad to yield.

Mr. NUNN. I say to the Senator, I appreciate his remarks and his concerns. I think they are well placed because if that story is accurate, I think we have not only big problems in the Department of Defense over SDI, but the whole question of integrity.

I have just been briefed this morning, Senator EXON and I and Senator THURMOND and others, by Dr. Perry. He informs us that after a very thorough investigation, which we and others have requested, that that story is not accurate. In fact, it is badly misleading and distorted.

I hope the Senator will be briefed, as I mentioned to the Senator from Tennessee, by Dr. Perry, and I hope this afternoon.He is supposed to make a release this afternoon. As soon as he does that, we will be able to use that information in the public debate here on the floor of the Senate.

Mr. PRYOR. Madam President, perhaps the distinguished chairman may not have been on the floor. I have just stated I have been waiting for a briefing. I have canceled all appointments, all meetings of every kind this afternoon, awaiting the briefing. I am very hopeful that someone will tell me this story was not true.

But up until that time, I am going to believe it is true because I think there was a lot of testing going on at that time. It may have been in the area of disinformation, to fool the Soviets. But in the process of fooling the Soviets, which might or might not be bad, I think they also tried to fool the Congress, and I want some answers to that question.

Mr. NUNN. The Senator has every right to that, Madam President, and I hope he will be able to be briefed this afternoon. I hope we will be able to have information from DOD that we can share with all our colleagues this afternoon.

Mr. PRYOR. I thank the chairman. I thank the Chair and my colleague from Tennessee, and I yield the floor.

Mr. SASSER. I thank my friend.

Madam President, this committee mark that we have before us today reduces funding slightly below the administration's request. But, as I said earlier, it does not pare back or eliminate a single program within the SDI budget.

Therefore, the committee did not address the principal factor driving this cost growth—too many programs moving too quickly toward development.

Now, failing to make programmatic changes this year is going to leave us with some very unpleasant options.

First, if all of these programs live for another year, they are going to demand nearly $6 billion next year.

Second, if, as is likely, Congress does not appropriate $6 billion for SDI next year, then several of the programs that we failed to cut this year will have to be scaled back or eliminated next year.

In this case, failure to act immediately means we are going to dump scarce resources into programs for another year, only to have to turn around and make the cuts a year later.

What I am saying, Madam President, is we can either make the cuts now or we can make them later and waste money. If we make the cuts now we will not be spending the money in fiscal year 1994 on programs we are going to have to cut in fiscal year 1995.

Why do we not just make the decision now?

The amendment before us seeks to avoid this Hobson's choice. As you can see by our chart, we are accomplishing this by providing over $3 billion for ballistic missile defense. As I said earlier in response to the Senator from Louisiana, I think that is $1 billion too much. And a former distinguishedChairman of the Joint Chiefs of Staff, Admiral Crowe, who I think is the finest soldier/statesman that we have produced since George Marshall, indicated that $2 billion was adequate per year for this whole business of ballistic missile defense.

But under my amendment, recognizing the realities that we face today and recognizing that before you can make any cuts, you have to get 51 votes, we say, "OK; we are going to provide $3 billion for ballistic missile defense." We go ahead and say yes, and we preserve all of the administration's priorities, including 48 percent of the funds being allocated to theater missile defense in fiscal year 1994, with an option in the amendment for the Secretary of Defense to allocate an additional 10 percent of the overall funding to theater missile defense if he chooses to do so, or allocate it wherever he should wish to do so.

We allow full funding of the administration's core theater missile defense programs. We adopt the Armed Services Committee's position on "Brilliant Eyes." We protect the full range of ballistic missile defense options, but what we do is simply reduce the costly redundancy.

As I stated earlier, funding alone is not the whole story of the SDI cost explosion. Far from it. Much of the problem comes from the absence of direction emanating from the Congress, and indeed from the authorizing committee.

The committee, in this bill before us today, remains silent on just which programs should be funded and at what level, and left it completely to the discretion of the Defense Appropriations Subcommittee and the Department of Defense.

The distinguished chairman made the assertion that what I was talking about earlier with regard to allocations of resources—48 percent to theater missile defense on the part of the administration—was history. But that is incorrect.

In the fiscal 1994 request, the administration asks that 48 percent be allocated to theater missile defense. In fiscal year 1995, which is not before this body today, the administration goes forward and says, yes, they would like to allocate as much as 66 percent for theater missile defense. But that is not what is before us today. We are dealing with the fiscal year 1994 bill.

Mr. JOHNSTON. Would the Senator yield for a question?

Mr. SASSER. I am pleased to yield to my friend from Louisiana.

Mr. JOHNSTON. Madam President, when I just left the floor, I was given the latest bit of information that I could get, which is that there are 11 different programs under consideration.

Mr. SASSER. If the Senator would just yield, I was coming to that.

It is not 11 programs. There are presently 12. I counted 12 different theater missile defense programs.

Mr. JOHNSTON. And they have not downselected any of them?

Mr. SASSER. They have not selected any of them. The Army is the leader. The Army has four separate theater missiles. For instance, they have the Patriot PAC-2 upgrades; the Patriot PAC-3 multimode missile, extended range interceptor; the Corps Sam; and they have the THAAD. That is just the Army. They are the leaders.

The Navy has two programs. The Marine Corps has a program. The Air Force has two programs. And then, of course, we have Israel's program.

Mr. JOHNSTON. Can the Senator from Tennessee tell me how much

would be spent on any of these, either short term or long term, or when they might ripen into a downselect or a mature technology, or what the outlook is?

Mr. SASSER. We have no way of knowing that. All we do know is that clearly they cannot fund all these programs. We do not know how much they intend to put into each particular program at this juncture. And the bill before us is totally silent as to the allocation of funding that is going into the so-called ballistic missile defense program, not just with regard to theater missile defense, but with regard to the whole spectrum of things that are funded under the title of ballistic missile defense.

So it is going to be left up to you, I say to my friend from Louisiana, on the Defense Appropriations Subcommittee, to either make the allocation there, or no allocation will be made.

Mr. JOHNSTON. In effect, what we are being asked to do is come up with this big multibillion-dollar pot of money and they will decide later how they want to spend it?

Mr. SASSER. Precisely. The Senator from Louisiana is precisely correct. But we do know that in fiscal year 1995 they are going to shrink these programs down. We do know that, in all likelihood, they are going to continue to fund these programs, all 11 or 12 of them here, in fiscal year 1994 and then come along in fiscal year 1995 and shrink them down.

Mr. JOHNSTON. Shrink them down, but with twice the budget request.

Mr. SASSER. Well, what they are going to do is delete, we assume, some of the programs here, because they simply are not going to be able to fund them in fiscal year 1995 unless we agree to increase the funding level from up to in excess of $6 billion.

Mr. JOHNSTON. The $6 billion, where does the Senator get that figure? That is a wish list?

Mr. SASSER. That is the bow wave that would be created if we are to continue funding all these programs.

Mr. JOHNSTON. So far as the Senator knows, none of this is for protection of the United States. None of it is for really nuclear defense against the former Soviet Union or any of those, and we do not know where these would be deployed if they are ever mature enough to use as a ballistic missile defense.

Mr. SASSER. Well, I think the Senator is correct. I cannot state that from my own information, and I do not know who has the answer to those questions. I do not know who has the answer to those questions. But I do think if the U.S. Senate is being asked to authorize $3.5 billion for ballistic missile defense, we ought to have the answers to those questions before we allocate 3.5 billion dollars' worth of taxpayers' money here.

Mr. JOHNSTON. Have we asked the distinguished floor manager if he has an answer to those questions?

Mr. SASSER. I see our friend from Nebraska is managing the bill. Perhaps he might be able to shed some light on that question.

Mr. EXON. I would be glad to respond to any question that I possibly could, although I have been waiting to make, at the appropriate time, the committee's position on this matter.

I simply say that some of the statements that I have heard made on the floor of the Senate today deserve an answer. The people that are suggesting the cut deserve an answer.

I am sorry you have not been able to get an answer to some of the questions that you have been seeking an answer to from the Department of Defense. As you know, the bottom-up review thing has not been thoroughly completed yet.

I will make a thorough statement on the committee's overall position on this and, at that time, after I have completed, try to round this out into the position that the Armed Services Committee has taken. I will be glad to try to respond to pertinent questions, but I would prefer to reserve that until I have a chance to put this in the overall context.

(Mrs. MURRAY assumed the chair.)

Mr. SASSER. I thank the Senator from Nebraska.

So, clearly, the answer to the question of the Senator from Louisiana is, I do not think anybody knows at the present time.

Last year, Senator BUMPERS and I offered an amendment here in this body to cut funding for SDI and the whole galaxy of programs or constellation of programs, ballistic missile defense programs, that come under that cover.

At that time, the distinguished chairman of the Armed Services Committee raised the alarm that there was a lack of allocation of resources in the SDI amendment that we were offering; that we were not saying specifically what programs in SDI should be cut, and we were not saying how the funds should be allocated.

My friend from Georgia, at that time, was very concerned, at least he appeared to be quite concerned, that the SDI Office and its Director, Ambassador Cooper, could, in the absence of congressional action, take the whole funding pot and spend it on anything they wanted. In other words, under the amendment we offered last year, the distinguished chairman was saying that, well, Ambassador Cooper could take all the money and put it in Brilliant Pebbles and there would be nothing left over for research and development.

Well, now, if this concern was valid then—and I assume it was—then it remains so today. I think the Congress must and can play a role in determining what are the Ballistic Missile Defense Office's priorities.

As I indicated earlier, I have compared here the administration's request, how they have allocated funding under their request, with what we have in the Senate Armed Services Committee authorization bill before us today.

Forty-eight percent, according to the administration—I see the Senator from Georgia is on the floor now. We are talking about fiscal year 1994, not fiscal year 1995. In fiscal year 1994, the administration said they intended to allocate 48 percent to theater missile defense.

In fiscal year 1995, they say they intend to allocate up to 66 percent for theater missile defense. But we are dealing with the present now and not the future; 48 percent is allocated to theater missile defense by the administration, 48 defense by the Sasser amendment. There is no allocation in the authorization bill before us.

The administration said they intended to allocate 32 percent to the national missile defense; 32 percent is allocated under the Sasser amendment; no allocation under the Senate Armed Services Committee mark.

It is the same all the way down. In other words, it appears to me what we are doing is simply handing DOD a pot of money, and that is precisely the criticism that was leveled at the Sasser-Bumpers amendment last year by the distinguished chairman. I would say nothing has changed.

If we did not want to trust DOD to make all of the allocations last year, why do we suddenly want to trust them this year?

Mr. NUNN. If I can just respond to that, if that was a question: I thought we had a new election. When the Senator said nothing has changed, we have a new President. We have a new Secretary of Defense. We have a new Under Secretary of Defense. There is no longer any SDIO office. The whole office has been changed. We have a new Under Secretary for Acquisition. We have a new administration set up. We have a bottom-up review.

The purpose of leaving the funds unallocated this year is because the administration was reviewing this very program and we wanted to give them the flexibility to shift those funds if they determined they were not being properly allocated and they have determined that they want two-thirds of them spent.

So when the Senator says, "What is new?" the answer is very clear. We have a different administration, a different President, a new philosophy, a new focus, a new effort on the whole SDI program which is much more oriented to theater defense.

The Senator's chart a month ago would have been accurate. It is not accurate now because we have had a bottom-up review. These things move. All

I am saying is the Senator was accurate in terms of where we were a month ago, but he is not accurate to where we are now.

Mr. SASSER. Let me just say I disagree with the chairman on that statement. The chairman was stating a moment ago the administration's intentions for fiscal year 1995. There is no dispute that they have said that 66 percent of the funding should go to theater missile defense in 1995. We are talking about the fiscal year 1994 bill today.

I do not care who is over in the Department of Defense. I do not care what political persuasion they come from. I think we have a responsibility here, just as we did last year—the chairman said we did—to make an allocation and make a determination and assign priorities as to how this money is to be spent.

I am extremely uncomfortable with simply sending a pot of money of over $3 billion over there and saying to the people in the SDI Office, or BMD Office—they have changed the namenow—many of whom are the same bureaucrats who have been there under both administrations, just saying here it is, fellows and gals. Spend it any way you want to.

That is not what we are all about here. We ought to be making some allocations, and particularly in view of the history of this whole program.

Mr. NUNN. Will the Senator yield for just a moment?

Mr. SASSER. Let me just finish my statement.

We spent $30 billion on this program so far and what have we got to show for it? The Senator, a moment ago, talked about casualties that were incurred in Saudi Arabia by a very primitive Scud missile. The missile defense there was a Patriot, an old antiaircraft missile that had been modified. It had nothing to do with this program that we had spent $30 billion on.

But my point is this. I do not want to get into debating the whole program here because we have had that debate. I have lost that debate. The Senator from Louisiana has had that debate. We have lost that debate.

All I am saying now to my colleagues is, let us shave $400 million off this program, let us save it, because $3 billion is enough for SDI, or ballistic missile defense. And you can take that $3 billion, under my amendment, and allocate it just the way the administration had it allocated when it made its submission over here.

We provide in our amendment that the Secretary of Defense shall have the discretion to add as much as 10 percent, to shift funds around as much as 10 percent if he should make that determination that it would be necessary as a result of this bottom-up review that the Department of Defense has been going through.

I think that is our point, Madam President.

A look at this chart that my friend from Louisiana and I were discussing a moment ago illustrates one reason, I think, why Congress simply cannot afford to follow the approach recommended by the Armed Services Committee. This chart, contained in a recent study by the Congressional Budget Office, lists the various programs within just the theater missile defense component of the ballistic missile defense. In an ideal world we would have three, or at most four theater missile defense programs. But look at this real world we are living in.

As the Senator from Louisiana and I discussed a moment ago, the Army itself has four theater missile defense programs going; the Navy has two; the Air Force has two; even the Marine Corps has one going. And, of course, then you have the Arrow program of Israel.

That is really an incredible overlap of roles and missions.

My friend, the chairman of the Armed Services Committee, made this point last year. In an excellent floor statement—I compliment him for it—

Mr. NUNN. Is the Senator always 1 year late in admitting that?

Mr. SASSER. The statement was "the need to overhaul DOD's roles and missions."

Mr. NUNN. I am in need of some current reinforcement. The Senator always commends my statement from the previous year.

Mr. SASSER. As the Senator will recall, I was very laudatory on his statement to overhaul DOD's roles and missions. I did raise the question, how soon do we get to the execution of this whole concept?

But the chairman pointed out that despite some recent progress in sorting out each service's proper role and mission, redundancy is rampant and much more work needs to be done.

The chairman said this, and I quote, and I take pride in quoting the chairman of the Armed Services Committee. He said, "this redundancy and duplication costs billions of dollars each year."

The distinguished chairman of the Armed Services Committee was right then and he is right today in that statement. The chairman went on to note, and I quote him directly, "progress on these issues will require outside pressures and determined oversight by Congress." Precisely what the Senator from Louisiana and myself, and others, are trying to do today on this whole missile defense concept.

If we do not start setting priorities, and if we do not start making specific allocations ourselves, we are going to continue funding at least a dozen similar theater antimissile defense programs, all of them designed to counter theater missiles, all of them making increasingly large budgetary demands on us.

I say to my colleagues, how in the world can we justify it? How in the world can we rationalize it? When everywhere we turn our constituents are saying, "cut spending. Cut spending."Cut spending. And we are cutting spending in areas where it hurts. Surely we can make some savings and start reducing these 11 or 12 different programs down to 3 or 4.

There is a lot of talk in this body about the need to control entitlement spending. I have been hearing that for a long time and heard it ad nauseam during the budget debate that took place a few weeks ago. They argue that entitlement spending is growing at an unacceptable rate, and I agree with that. I do not disagree with that statement.

But let me show you some real entitlement growth. As this chart shows, entitlement-like growth is not restricted to entitlements. Since 1991, funding for theater missile defense programs has grown by over 500 percent. And if we comply with the administration's request, a possibility that is not ruled out in the bill before us today, theater missile defense spending could grow to $1.8 billion this year and to $3.2 billion next year. I ask my colleagues: How many programs, entitlement programs, or otherwise, can grow by nearly 1,000 percent in just 3 years?

Even our friends in the Defense Department see a problem here. David Israel, the deputy assistant manager for theater missile defense programs recently stated that even if the Ballistic Missile Defense Office received the full amount requested by the administration—that is $3.8 billion and under the bill I think it is $3.4 billion—"* * * we would have," he said, "a tough time proceeding with all the theater missile defense programs on the table."

According to Mr. Israel, it would not be possible to carry all the theater missile defense programs to full maturity and that a reduction of the number of programs was necessary.

That is not the Senator from Tennessee, the chairman of the Budget Committee, speaking. That is the deputy assistant manager for theater missile defense programs, David Israel, saying even if we funded all these theater missile defense programs at the $3.8 billion level for the whole Ballistic Missile Defense Program the administration was requesting, it would not be possible to carry all these theater missile defense programs to full maturity, and they have to be reduced.

Finally, Mr. Israel stated that there is a host of technical problems that need to be overcome before a successful theater missile defense architecture could be put in place.

I say to my colleagues, in all sincerity, it strikes me as the prudent approach to heed the words of David Israel, the theater missile defense organization's own official, and that we should harness this theater missile defense funding frenzy. That is all I can call it.

As the previous chart showed, the theater missile defense budget is simply going through the roof, and we believe it is time to bring it back to Earth and to manage it more closely and effectively.

Mr. President, the amendment that I am offering today, in conjunction with others, brings a small bit of fiscal responsibility and management to the Department of Defense authorization bill. These are small steps we are taking today, but they are not small deals. The American people expect us to take this type of action to rein in spending wherever we could see escalating cost, waste and duplication. I think we have made a case today for our colleagues that there is excessive duplication, that there is waste.

Why in the world does the Army need four theater missile defense programs? Why in the world does the Navy need, in addition to the four the Army has, two for themselves? And why does the Air Force, in addition to the four for the Army and the two for the Navy, need two additional programs for themselves? And why does the Marine Corps, a branch of the Navy, after seeing four theater missile defense programs ongoing for the Army, two for the Air Force, two for the Navy, why does the Marine Corps then have to have their own theater missile defense program?

So I say to my colleagues, you can strike a real blow for liberty today. You can make some very substantial savings and you will not be impacting adversely one iota the whole Ballistic Missile Defense Program. You are simply going to be saving some money, and if you do not do that, if we do not make some savings today, if we do not assign some priorities, we are going to befunding programs that, just as sure as night follows day, are going to have to be jumped either in fiscal year 1995 or fiscal year 1996 and that is simply pouring money down a rat hole. That is what it will amount to.

Madam President, I see the distinguished Senator from California on the floor. I will be pleased to yield.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is seeking recognition.

Mr. COHEN. Madam President, I would like to take just a few moments to perhaps offer a couple comments concerning the arguments being advanced by my friend from Tennessee.

First of all, it was news to me to learn of the type of sculduggery that is practiced down in Louisiana and Arkansas, pigeon drops in Louisiana and snipe hunting in Arkansas. I think after listening to the description of those kinds of activities, I now know why the North won the battles in the Civil War. If the folks in Louisiana and Arkansas were listening to those kinds of scams and falling for them, then you deserved to lose the war during the Civil War. But, in any event, let me come back to the points made by the Senator from Louisiana.

Just a moment ago, he ridiculed the whole notion of providing any kind of protection for an accidental launch against the United States by the former Soviet Union, or anyone else, or by some kind of a miscalculation of a limited attack. He ridiculed that notion but then stood on the floor and asked the Senator from Tennessee: "Is there anything in here that will provide protection for the Continental United States?" So, on the one hand, he accuses the Senator from Georgia of pleading by way of confession and avoidance—an old lawyer's technique—and then he engaged in one himself by pleading in the alternative, on the one hand saying this is ludicrous to even think about protecting the United States and then arguing, on the other hand, why does it not provide anything to protect the United States? So he is having it both ways.

Second, he says, "Where is this system, assuming it is ever developed, ever going to be deployed? Someone stand on the floor and tell me." Well, we could take the map of the world and we could perhaps point to the Persian Gulf where it could be deployed in the future. We might point to other regions, perhaps in Asia, where it might be deployed sometime in the future. Perhaps any point on the globe where the United States might have an interest or personnel deployed at some future time. But for anyone to stand on the floor and say where is it going to be deployed right now, tell us, is absurd. The whole purpose of having this capability is to prepare for contingencies.

I might call the attention of the Senator from Tennessee back to the debate during the Persian Gulf war where, once again, he cited Admiral Crowe as his expert and said that sanctions would be sufficient to drive Saddam Hussein out of Kuwait. At that time, I suppose you could have asked the question, "Why do we need the Patriot? Why do we need the Patriot deployed here? Why should we ever have funded the research for the Patriot?" You should tell that to the American forces who were serving.

Mr. SASSER. Will the Senator yield?

Mr. COHEN. I will not yield. I have been sitting on the floor for the past 2 hours for an opportunity to make a statement. I would like to finish my own comments, and then I will yield to the Senator. Madam President, I would like to continue if I might.

The PRESIDING OFFICER. The Senator retains the floor.

Mr. COHEN. Madam President, I suppose you can go back and look at the films of the Wright Brothers and watch them try to take off in their flying machines, those wonderful flying machines, collapse, fall, crash and look foolish and then extrapolate that and say, "Where would we be without those foolish attempts?" Some cost lives, undoubtedly cost money.

The research that has been poured into the aerospace industry has taken years to develop. I doubt if any scientific or technological breakthrough has ever occurred that has not been preceded by failure and by expense. And that is particularly true in the field of defense.

The Senator from Tennessee says, well, let us compare what we spent for missiles and look what we spent for drugs and Head Start and the environment. Easy to say right now. I suppose you could have raised the same issue just 2 years ago in the Persian Gulf: You have 500,000 American troops on the ground and get up here on the Senate floor and say just think about it, should we spend money on missile defense against Scuds or anything else? Would it have been better spent on defending against missiles coming into our deployed forces or should we have spent it on something else—on domestic concerns?

I wonder how any of us would have answered at that time. I wonder how many of us would have answered the mothers and fathers of their sons and daughters who were in fact deployed in that region.

Well, the Soviet Union no longer poses a threat to us. It no longer exists as a union. There are still some 30,000 nuclear weapons rolling around somewhere in the Soviet Union. They have not yet been dismantled. The political situation has not stabilized. Hopefully, it will at some future time.

But forget about the Soviet Union. Forget about Russia. Forget about the Ukraine. They are not the only countries in the world that are interested in missile technology. There are other countries, like China, by way of example. Just recently this administration raised questions about the sale of missile technology on the part of China to the Pakistanis. There will be other issues, I am sure, that will arise in the future in terms of who is engaging in the proliferation of missile technology to regions that are unstable or unfriendly toward the United States.

Unless we think that only advanced countries, technologically speaking, the like of the former Soviet Union or China or perhaps even Japan or other countries have access to this technology, remember that Saddam Hussein came very close to launching a

satellite. And if you can launch a satellite into space, you can launch a missile intercontinentally.

Let us not forget that Saddam Hussein was on a fast track to developing nuclear weapons. And I doubt very much whether he has given up on that dream of acquiring them. And that it will not be just Saddam Hussein but those who follow and other nations in that region that might bear us ill will in the future.

So we can sit here and say, well, there is no threat out there; we do not have to worry about it. We do not care whether it takes 10 or 12 or 15 years to develop the kind of technology that will provide some kind of limited protection to our people and to our forces in future years.

By the way, the Senator from Louisiana, I suspect, and perhaps even the Senator from Tennessee, will not be here. I will not be here. Most of us will not be here at a time when this technology is fully developed and available for our forces. We will either be retired or long since have past from this Earth. But there will be young men and women we will still be calling upon to defend this country's interests and they will want to know at that time what is it that we have to defend us against this kind of technology.

So I know it is easy to ridicule this particular system. They say, what have we gotten for it? Well, I would submit to you that we got something in the way of some serious and substantive arms control agreements as a result of this country's commitment to the SDI program.

And I find it ironic that I should be on the floor defending the Clinton administration when for a number of years—and the Senator from Georgia will recall this—I was the only Republican on the Armed Services Committee who voted to cut the Reagan program, the only one, and subjected myself to substantial criticism for that because I did not agree with the dome light concept that was going to be erected over the United States to protect us from incoming missiles. I too found some fallacies in the thinking and voted to cut the program year after year.

But to the credit of the Senator from Georgia, he insisted that we try to design a system that would protect our populations and our people against an accidental launch, against a limited attack from whatever source. That has been his persistent goal. And now we have a new administration but apparently President Clinton cannot be trusted to manage this program; Vice President Gore, a former Member of the Senate Armed Services Committee, he cannot be trusted. Maybe I could sit here as a Republican and say, well, they have time to go on David Letterman and smash ashtrays but they do not have time to give the Senator from Louisiana the answers to his questions.

So I want to say, Madam President, that we look at these arguments that because you cannot defeat every conceivable type of attack, therefore you should have nothing. That is the argument the Senator from Louisiana was addressing initially.

I think that the Senator from Georgia and the committee have tried their level best to fashion a program that will achieve the goals that were set out by the Senator from Georgia and others several years ago. It has been endorsed by this administration, by President Clinton, by Vice President Gore, by Secretary Aspin, by Under Secretary Perry, and others. And here we come on the Senate floor once again let us just take another $400 million out.

Maybe they have the votes to do so. But I say that we are compromising our ability to really achieve the goals that each of us should be eager to achieve. And that is a program that is scientifically sound, technologically sound, and fiscally responsible. I believe that the Senator from Georgia has worked to that end.

So I will have a few more comments to offer at a later time, Madam President, but I do not want to see this debate simply degenerate into a ridiculing of a program and say, well, there is no threat, or we cannot identify where the threat is coming from. Therefore, we should not prepare for it or we should continue to cut the program back to the point where it jeopardizes its efficiency.

So I wish to commend the Senator from Georgia for his efforts to design a program which is supportable, which is technologically sound and responsible and hope that the amendment will be defeated.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I will yield the floor in just a moment. I know the Senator from Nebraska will be making his statement. He heads up the subcommittee that handles this, and he is one of our most diligent and best informed members in this entire area. I would defer to him in just a moment.

I would say to my friend from Maine that I remember not only on this matter but on many matters where he has been either the only or almost the only Republican who was willing to take on the Reagan administration when the rhetoric was excessive and when it was out of tune with scientific reality.

And as he well knows, I have always greatly respected and admired him not only for his wisdom and integrity but for his pure own fortitude and courage. So I do appreciate very much his remarks.

The entire missile defense act is what we have done in recharting this program and channeling it to the actual threats, toning down the rhetoric and getting it into a scientifically sound basis. Moving in that direction has been largely attributable to the influence of the Senator from Nebraska, and the Senator from Maine has played a key role. So I thank him for his remarks but most of all for his leadership.

I would like to propose a brief question to the Senator from Maine and the Senator from Nebraska. The Senator from Tennessee might want to listen to this one, too—if the Senator from Tennessee does not mind putting that entitlement chart back up. I am not entitled to his charts. That is his entitlement. But I would like to discuss that for just a moment.

Mr. SASSER. Let me say to my friend from Georgia in the interest of comity and being sporting in these matters, I will be pleased to put this chart back up.

Mr. NUNN. I thank the Senator from Tennessee. I will want to use that chart to demonstrate its inaccuracy, I will have to tell the Senator from Tennessee.

Mr. SASSER. In that case, Madam President, I may want to take it down.

Mr. NUNN. The Senator from Tennessee can stand in front and block the camera, but I will still talk about it. I remember it. I do appreciate the Senator's indulgence.

First of all, on that chart, if I could propose a question to the Senators here on the floor, the word "entitlement" is in my view a misnomer because every year we appropriate the money. We not only appropriate the money. There is nothing on automatic pilot about this program. We debate it. We not only have a debate on the defense authorization bill as we are doing now. We have a debate on the appropriations bill. So this is not an entitlement program by anyone's definition.

The second thing I would observe—and the Senator made this remark himself a few minutes ago. He made the remark that the Patriot missile was not developed in the SDI program.

He is correct. It was not. But guess what? That chart showing theater missile defense does two things. First of all, it leaves out the Patriot missile development which was in the Army, in the early years—not in this, in the 1980's.

And second, it incorporates it as the line goes up because of the shift-in recently to the overall ballistic missile defense program. So it is a double distortion in the sense that a program that was very much a theater missile defense program was a part of another category of spending during the low level of this line. And then, as the line goes up, that program had been shifted into the theater area.

The second thing I would observe is that obviously, during the early years

of the SDI Program under the Reagan administration, the theater defense program was not the top priority; it was a very low priority. And many of us on the committee—and Senator COHEN from Maine led the way in this respect, that it was not a high priority—tried to make it much more of a priority because we felt, long before the Persian Gulf war, that that was going to be the most immediate threat to our military forces.

So these strategic programs have been deemphasized and now the line is going up, based on this Congress. This Congress decided to shift the money more toward theater defense. I am gratified by the fact that the new administration has agreed with that, and they are naturally moving much more money into theater defense.

I repeat what I said a little while ago; that is, if you look at what happened in the last meaningful conflict that we have been engaged in, we had 148 people killed in action in the Desert Storm operation—148 total. We had 467 wounded in action. Of those 148 killed in action, 29 of them were killed by one Scud missile, a very unsophisticated weapon, one that is very crude, one that has been supplanted in technology by a number of Third World countries and other countries, and one that will not even represent the same kind of future threat that we will have to design these defenses to meet in the future.

So we have approximately 20 percent of all the individuals killed in the Persian Gulf war that were killed by one Scud missile, exactly what we are trying to protect here with the theater missile defense allocation. I would say if you look at the number of wounded, it also is a substantial percentage of the number of people wounded because in that Scud missile attack, there were approximately 98 people who were wounded by that attack, as well as the people who were killed.

So it is a threat. It is not a future threat; it is a present threat. We are behind the curve in trying to meet that threat. The Patriot missile was the first effort. But we have a number of programs, as the Senator from Tennessee has observed; there is redundancy now. That is what you have when you have experiments. You try to have a number of different options, and then you try to boil them down as you determine which ones have the best chance, technologically speaking, of succeeding.

So we are in that process. In fact, the committee this year consolidated a number of programs and is trying to accelerate the process of narrowing these programs down. But redundancy in an area of high technology in terms of determining which kind of technology is going to be the most successful is absolutely essential. If you already knew which missile and which defense system was going to be the best, then you could just narrow it down to one and say, "Let's go." But if we wake up 5 years later and it turns out we were wrong, then we are exposing our military forces in a way that is reckless, indeed.

So we do not choose to do that, nor do we do it in any kind of high-threat area.

I say finally, in my brief observations here—I will end up framing a question to my colleagues particularly relating to the Patriot system and the theater emphasis—that there are a number of Members here who urge us constantly to put more money into the Patriot, put more money into ERINT Arrow Program. We hear from people who vote against SDI wanting more money in these programs.

Everyone who has an interest in any of these programs should know that this amendment will cut both programs. Not only will it cut them in the overall amount, but it will allocate a percentage of 48 percent, which was the original administration position but is no longer the administration position.

So I think everyone should reexamine their position, even those though voted to cut this program last year, in light of the fact that we have a new administration; we have the kind of priorities that now are beginning to make sense in this program; we have a number of technological options that are going to be narrowed down. And if we arbitrarily make this kind of cut, we are going to pay a severe price in the future in terms of the very high area of priority; that is, theater defense.

Finally, I will just pose a question to my friend from Nebraska as to whether he would agree with my assessment of this particular chart in terms of the Patriot missile not being shown and in terms of it not being an entitlement program.

Mr. EXON. Let me respond in this fashion. I am delighted that the——

Mr. SASSER. Madam President, who has recognition?

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. I yield to the Senator from Nebraska for a question, and then I yield to the Senator from Tennessee for a question.

Mr. EXON. I would simply like to say, Madam President, that the Senator from Nebraska has been waiting for a long time and has a 4 o'clock appointment on a matter related to this issue.

I would like to make my statement as soon as I can on this matter.

I was delighted when the chairman of the committee referenced the chart that the Senator from Tennessee used. I was going to make some of the points but could not make them as well as the chairman of the committee.

I would certainly agree to the question asked by the Senator: That, exactly, this chart is totally meaningless if you look at the historical perspective of what we are talking about. I would also say that, due to television, since charts have become famous in this institution, we also like to have charts that show sharp increases or sharp decreases, depending upon which point of view one is trying to express.

The facts of the matter are—I cannot read the figure on the chart from here, but it would seem that most of us would agree, and I believe that even the Senator from Tennessee would agree—that if there has been a lack of funding, it has been for theater missile defenses; and, therefore, although the chart is now being covered up, the line that goes up so very abruptly is something that the Senate has expressed itself on on many occasions in the past. We are simply responding to what the Senate has voted for. I think we should not be criticized.

I would like to gain the floor in my own right, if I might.

Mr. NUNN. I yield to the Senator for—does the Senator have a question?

Mr. SASSER. I just wanted to make a retort to the analysis of the distinguished Senator from Georgia of my chart.

Mr. NUNN. Other than what I said about it, it is a wonderful chart. I like the colors.

Mr. SASSER. The Senator said that my chart was flawed. I want to indicate my view that the Senator's analysis of my chart is flawed, and that the chart itself, I think, is an excellent chart. I can make this point in just 2 or 3 moments.

One, with regard to the title of the program, clearly that is tongue in cheek. We all know that the military programs are subject to the appropriations process.

With regard to the Patriot missile being included in this upward thrust here, the Patriot PAC-2 is included in here, but that would mean a very small part of the upward thrust of this funding for theater missile defense.

Let me just say this, and then I want to defer to the distinguished Senator from California, who is on the floor. She has been here for a while. Let me just make this point, and I will retire.

We are not talking about emasculating this whole program of ballistic missile defense, as you might believe.

Mr. NUNN. Madam President, I would certainly be glad to answer any question. But the Senator from Nebraska has to preside over a meeting on this very subject at 4 p.m.

If the Senator will pose the question, then, so I could yield the floor.

Mr. SASSER. I yield the floor, and then my time will come.

Mr. NUNN. I thank the Senator. I yield the floor.

Mr. EXON. Madam President, I rise in opposition to the amendment before the Senate and others like it that might be proposed which would be cutting ballistic missile defenses and that

organization of funding below—and I emphasize to the Members of the Senate "below"—the already significant reductions made in this overall program by the Armed Services Committee.

I believe that the Senator from Tennessee and also the Senator from Louisiana would agree that this Senator has been no shrinking violet on giving in to requests of the administrations in the past for defenses from outer space that would fall upon the United States of America.

I compliment my colleague and friend from Maine. He, too, has been with us on many occasions when the Armed Services Committee felt that the billions of dollars scheduled for appropriations by previous administrations were out of line.

I also did not buy the overall umbrella concept originally introduced by President Reagan under the heading of Strategic Defense Initiative many, many years ago. I thank my friend from Maine for a very excellent presentation, and I believe he has hit the mark as far as the defense that I think is necessary of the significantly reduced amount recommended by the Armed Services Committee for ballistic missile defenses.

At this time, I would like to insert in the RECORD—and I will furnish a copy of this to the Senator from Tennessee and the Senator from Louisiana, who an hour or so ago, while I was here waiting to make these remarks, were very upset about the fact that they were not able to get the unobligated balances in this overall program. I have that information. It was not difficult to obtain. It just might be that they asked the wrong party.

I ask unanimous consent that this material be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BMDO OBLIGATION STATUS

[In millions of dollars]

Program, element and appropriation	Program	Obligated	Unobligated as of Aug. 31, 1993
SBI, 63214C, RDT&E	211.637	196.661	14.976
LDS, 63215C, RDT&E	1,672.613	1,582.228	20.385
TMD, 63216C, RDT&E	1,027.350	971.933	55.417
TMD, 28060C, Procurement	75.200	40.200	35.000
OFO, 63217C, RDT&E	300.210	296.074	4.136
R&S, 63218C, RDT&E	417.990	355.053	62.937
Total	3,705.000	3,442.149	262.851
Less Potential Withdrawal (OSD requested de-obligation)	[1] −50.000		−50.000
Total all programs	3,655.000	3,442.149	212.851
Theater program, RDT&E, procurement	1,027.350	971.933	55.417
	75.200	40.200	35.000
Less Potential Withdrawal	−2.000		−2.000
Total theater program	1,100.550	1,012.133	88.417
Non-theater ballistic missile programs (all programs less theater prog)	2,554.450	2,430.016	124.434

[1] Pending withdrawal by OSD.

Mr. EXON. In any event, this indicates that the total remaining unobligated balances on the program in question are $212.851 million and $124 million, or the largest portion of that unobligated money is for the ballistic missile defenses for our troops. The Senator from Maine went into a considerable discussion on that, and I agree with the remarks he made in that regard. So to indicate and end this alleged abuse of the Senate's not being able to get the right figures, I cite those figures from the Department of Defense, which, as of now, are made part of the RECORD.

Madam President, I would also like to discuss at this time, the concerns that have been expressed by several on the floor, including the junior Senator from Arkansas, with regard to the report in the New York Times of the Department of Defense under the Bush administration, as I understood it, who were trying to fool not only the Soviet Union, but the Congress of the United States with regard to previous programs.

As indicated by the chairman of the committee, we were briefed on this this morning. When I first heard about this story, I was concerned, too, because I had never received any information that would have led me to believe that the previous administration officials—and maybe this went back farther than the Bush administration; it may well have been gone back to when Caspar Weinberger, who I worked with for years, was Secretary of Defense. I always found Caspar Weinberger, and the people who succeeded him, to be people that I trusted. I did not always agree with them, but I never felt they were out to deceive me or other Members of the U.S. Senate. Therefore, the New York Times story was of great concern to me, and it was of great concern to the new administration as well.

Dr. Perry, whom most of us know very well—especially those of us in the Armed Services Committee—was a key member of the Carter administration. I believe Dr. Perry is one who had general trust on both sides. Dr. Perry briefed us this morning on the New York Times story that, as I understand it, went back to 1984 and may have carried over sometime later, but probably occurred, at least as alleged in the New York Times story, when Caspar Weinberger was Secretary of Defense. I am pleased to report to the Senate—and I believe something will be coming in writing this afternoon; I understood that it was going to be released at 1:30. I have just been handed the statement by the Honorable Les Aspin, Secretary of Defense, September 9, 1993, and I ask unanimous consent that it be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. LES ASPIN, SECRETARY OF DEFENSE, SEPTEMBER 9, 1993

A recent news account of a 1984 missile defense experiment raised a number of serious questions about conduct of the program. Those questions fall into three categories.

First, was the experiment "rigged?" That is, were the apparently successful results demonstrated in the experiment the product of misrepresentation?

Second, was there a deception program aimed at convincing the Soviet Union that our missile defense capability was greater than it was, and did this program have the consequence of also misleading the Congress?

Third, have any such deception programs misled the Congress about test results on other systems and could that happen in the future?

I want to say at the outset that we take these questions with the utmost seriousness. They go to the heart of the integrity of our testing programs and to the integrity of our dealings with the Congress on testing. I want to assure everyone that we will have honest testing and we will report the results honestly.

In this case, I asked Deputy Secretary Perry to get to the bottom of the assertion of rigged testing. He directed an inquiry by Under Secretary for Acquisition and Technology John Deutch. It is this effort we are reporting on today.

Let me begin by briefly describing the experiment in question. It occurred on June 10, 1984. It was conducted by the Department of the Army and was called the Homing Overlay Experiment. It's aim was to demonstrate that an interceptor missile could hit an incoming simulated Soviet re-entry vehicle. The test on June 10 was the fourth in a series. The previous shots had failed to hit the target.

On June 10, a missile carrying the simulated Soviet warhead was fired from Vandenberg Air Force Base in California. An interceptor missile was fired from Meck Island in the Kwajalein Missile Range in the Pacific. The interceptor's on-board, heat-seeking detector picked up the target in the last few seconds of flight and guided it to a direct hit.

Let me now take the three questions in order. Was the experiment rigged? A New York Times story August 18 quoted unnamed sources as saying it was "rigged" because a radar beacon had been placed on the target re-entry vehicle that directed the interceptor to the target.

There were four elements of the experiment that might give rise to questions about the validity of the results. Here is what we found:

Finding One. There was a radar beacon aboard the target vehicle. We also found that there was no receiver on board the interceptor for this radar. The beacon had been placed to assist in range and safety tracking of the target from the ground. The beacon was of a type not capable of the final guidance of interceptor to target. Our conclusion is that the experiment was not rigged, and in fact could not be rigged, by the presence of the radar beacon.

The inclusion of the beacon was discussed in unclassified portions of a 1984 report on the experiments written for the Army's Ballistic Missile Systems command. The report was available to Congress at the time and we have a declassified version of that report available here today.

Finding Two. The re-entry vehicle was heated to increase its visibility to the heat-seeking interceptor. The RV was heated to 100 degrees Centigrade. The heating of the RV and other aspects of the experiment were discussed in an unclassified study published by the congressional Office of Technology

Assessment in 1987 which was available to the public. The OTA report suggests that the RV may have been heated to temperatures higher than were expected in actual Soviet re-entry vehicles. Had the experiment been an operational test, this would have been a suspect action. As it was, the experiment was intended to demonstrate the basic process rather than test the sensitivity of the heatseeker.

Finding Three. There was a data link from the ground to the interceptor that could have been used to guide the missile to the target independent of the radar beacon. It was not used.

Finding Four. The target carried optical enhancers to make a direct hit more visible. These enhancers included flash powder. Since these enhancers come into play only after there is a direct hit, their presence does not constitute rigging of the result.

Overall, our conclusion on the experiment is this. It was not rigged by the inclusion of a radar beacon on the target, nor by other means. The experiment demonstrated what it purported to demonstrate, that the final guidance of the interceptor to a direct hit was done by the on-board heat seeker. We should also understand that this was not a test of a developing system, but rather a demonstration done under experimental conditions. The independent Office of Technology Assessment said in its 1988 report that the Homing Overlay Experiments were "sound experiments properly designed * * *."

That brings us to the second set of questions. Was there a deception program associated with the Homing Overlay Experiments designed to deceive the Soviets and did it also deceive the Congress?

The answer is that there was a deception program aimed at the Soviet Union associated with the experiments, but it deceived no one because it was not used.

The deception program was part of that category of highly secret activities called special access programs. It consisted of an explosive charge aboard the target vehicle. The plan was to detonate the charge in order to give a near miss the appearance of a direct hit to give Moscow our efforts were more successful than they were. In the early flights, the interceptor did not come close enough to the target to allow detonation of the charge. In the final flight, the charge was not activated and could not have been detonated.

So, our conclusion is one, that there was a deception program associated with the Homing Overlay Experiment, two, Congress was not informed about, but three, ultimately it was not used.

I should point out here that conducting such a program today without informing Congress would be illegal. But in 1984, there was no requirement to tell Congress about special access programs. That changed in 1988 when Congress required that all special access programs be reported. I had a hand in establishing that requirement as chairman of the House Armed Services Committee, as did Senator Sam Nunn, chairman of the Senate Armed Services Committee, then-Representative and now Senator Barbara Boxer, and former Senator Lowell Weicker.

That bring us to our third set of questions. Has the Congress been misled on test results on other systems and could it be misled about results in the future? Let me deal with the part about the future first. We do not confirm or deny the existence of any particular special programs, but we do state that Congress is being informed of all special access program. The Homing Overlay deception program could not happen today without Congress knowing about it.

Now on other systems. We have gone to serious lengths to determine if past test results were tainted by deception. Our conclusion at this point is that no past test results have involved deception programs that could have deceived Congress or the American people. The Homing Overlay Experiment episode could not be repeated today.

Our conclusion is that past test results were unaffected by the kind of deception effort attempted on the Homing Overlay Experiments, and that the Homing Overlay episode could not be repeated today.

To sum up, the experiment was not rigged and deception did not take place, although a program to practice deception existed. And I guarantee this. While I am here, Defense Department tests will be conducted honestly and reported honestly.

Mr. EXON. Madam President, I have not had a chance to read this in great detail. It simply says, I am sure, what we were briefed on by Dr. Perry today, that the New York Times story was simply wrong. The New York Times story was not accurate. The allegations that were directly or indirectly made against Caspar Weinberger and other distinguished members of the Reagan and/or Bush administration were wrong. There was no coverup. There was no attempt to fool the Congress of the United States. And it only proves, once again, that you should not believe everything that you read in the newspapers, even though some people jumped at that opportunity. And I particularly hope the junior Senator from Arkansas—who had some legitimate concerns about this, and I agreed with him—will understand that we were more misled by the New York Times story than any of us were misled—which we were not—by any officials of the previous administrations that had something to do with this program.

I believe it is important, Madam President, to place in perspective the ballistic missile defense funding level. There has been some talk on the floor of the strategic defense initiative. There is no Strategic Defense Initiative anymore. It is gone. The program is now known correctly as the Ballistic Defense Program, Ballistic Missile Defense Organization, BMDO, and it is a significantly scaled-back program, a drastic reduction in what we had before. Listening to the debate today by the Senator from Tennessee and the Senator from Louisiana, I had envisioned that we were talking about the days of yesteryear when we were talking many, many billions, $6, $7, or $8 billion for this program.

It has been drastically scaled back by the new administration. In so doing the administration made recommendations through the Armed Services Committee. We even scaled back, Madam President, the drastically reduced request by the new Clinton administration.

As has been said by others, I would hope that the bottom-up review, the drastic scale back of our total expenditures on defenses by the new administration, would give Members of the Senate, especially those on this side of the aisle, a little bit better understanding of what is going on and what is not going on.

To try to put this in some degree of perspective to demonstrate what we have done, I would simply say that the original request for the strategic defense initiative for 1994 by the Bush administration was $6.3 billion.

The Clinton request that matches with that called the Ballistic Missile Defense Organization, as I have just referenced it, cut that in half, from $6.3 billion to $3.7 billion.

The Armed Services Committee transferred an additional $253 million of that money from the Brilliant Eyes program to a warning account that would be under the control of the Secretary of Defense, and that money could not be expended until the Secretary of Defense had advised the proper committees of the Congress as to how he was going to be using it. It is designed for a surveillance and warning account to address what the Senate has repeatedly, in the last few years, said. That was simply, get off of the star wars concept, Madam President, and get back to the realistic field of building a defense that would be the defense of our troops on foreign shores.

The Senator from Georgia, the Senator from Maine, and others, have made excellent references as to where and how that would come into use and where an inadequate ballistic missile defense for our troops in combat caused a substantial amount of the casualties that we had in the gulf war.

In addition to that $253 million that we fenced in the Armed Services Committee, we cut an additional amount to bring the total recommended expenditures by the Armed Services Committee to $3.2 billion.

A refresher: The Clinton budget request was for $3.7 billion. The original Bush request was for double that, $6.3 billion. The Armed Services Committee, that some people have indicated have not acted responsibly in this fashion, cut the amount another 15 percent to a net figure of $3.2 billion.

If the Senate, unwisely in the opinion of this Senator, accepts the amendment offered by the Senator from Tennessee, there would be an additional cut of $400 billion, and the figure would be reduced from the Armed Services recommendation of $3.2 billion to $2.8 billion, about the same level that the House Armed Services Committee has marked to.

I believe it is important, therefore, to place in perspective the ballistic missile defense funding level contained in the authorization bill. As I have just referenced, the $3.75 billion proposed by the administration is indeed a far cry from the over $6 billion request projected for fiscal year 1994 by the Bush

administration. More importantly, the administration's request reflects a missile defense program along the lines mandated and demanded by Congress. That is a program that emphasizes early deployment of theater missile defenses of a limited national defense system defense inballistic missile.

The defense authorization bill before the Senate funds the Ballistic Missile Defense Organization Programs, as I have referenced, at $3.2 billion; $553 million, or 15 percent, less than requested by the administration. The committee was able to achieve this savings by transferring $253 million requested for the space-based Brilliant Eyes Program from the Ballistic Missile Defense Organization to the consolidated surveillance and warning account, and by further reducing overall ballistic missile defense funding by $300 million.

Madam President, we have made the cuts. Any further reduction in this program, given the fact at what level we have funded previous, is simply irresponsible regardless of who proposes the amendment.

The committee also directs the Defense Department to begin promptly reviewing numerous ballistic missile defense systems, including the improved Patriot, the Erint, and the Thaad for compliance with the ABM treaty.

The important point here is that for the first time we seemingly have an administration that is proposing a missile defense program in keeping with the wishes, the requests, and the demands of Congress, and now we have an amendment on the floor that would do them in. The architecture being proposed is ground-based, not space-based, not star wars—it is realistic—thereby ensuring compliance with the ABM treaty.

Emphasis is now on the protection of our troops. Let me emphasize, Madam President. The emphasis is on the protection of our troops in the field in combat against theater missile attack, not on the increasingly unlikely proposition of an ICBM attack against the United States. On balance, therefore, the administration's missile defense program is now more realistic and a more affordable and practical program, as the Senate has been demanding.

Still, the committee was able to achieve modest savings in the ballistic missile defense account in the markup of the bill while the entire program was being evaluated as part of the bottom-up review. The bottom-up review findings released on September 1 reconfirm this emphasis on the development and deployment of a theater missile defense, once again what the Senate has demanded.

By also focusing on existing technology development in the national missile defense architecture, the bottom-up review concluded that it could reduce the 1995–1999 ballistic missile defense budget by $21 billion from the $39 billion, therefore, down to $18 billion.

Let me repeat that, Madam President. With regard to the bottom-up review, the new administration, which I think is taking a very realistic, reasonable look at this proposal, emphasizing the need to, as quickly as we can and reasonably build up protection for our fighting combat forces in the field wherever they might be located, that has been reduced from a figure of $39 billion for the 4 years, 1995 to 1999 program, down to $18 billion.

I suggest that is a significant and realistic reduction.

Based on my initial reading of the administration's findings, I believe that they have made a good-faith effort in streamlining this program by dealing with the theater missile threat first while preserving our investment in a national defense system that can protect the continental United States against ICBM threats emerging over the next 15 to 20 years.

To cut the ballistic missile defense organization budget below the $553 million reduction already taken in the committee, therefore, even before the ink is dry on the bottom-up review findings, is premature and would threaten our Nation's ability to field, in a timely manner, the weapons technology necessary to protect our combat troops in the field.

I hope and I think the Senate is not prepared to do that.

I certainly recognize the help that we have all had over the years, from the Senator from Tennessee and the Senator from Louisiana, in cutting back what I even agreed on many occasions, as the Senator from Tennessee I think would be willing to recognize, I think that the cuts that they are suggesting at this time is more of the same that we practiced in the past, while not recognizing that we have a new administration, that the Armed Services Committee felt were making significant reductions in this program and we felt it was important.

We felt it was important, since significant reductions were being made, to give them the flexibility that we think they need to make it all work.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. THURMOND. Madam President, a point of personal privilege.

Is it not customary in debate to alternate from side to side?

The PRESIDING OFFICER. That is correct, Senator. The Chair has to recognized the Senator——

Mr. THURMOND. That has been the policy in the past.

The PRESIDING OFFICER. The ruling of the Chair is the Chair recognizes——

Mr. THURMOND. Did not the Senator from South Carolina speak up first and ask for recognition?

The PRESIDING OFFICER. The Chair recognizes the first Senator who seeks recognition under no time constraints. The Chair, in her opinion, heard the Senator from California seek recognition.

The Senator from California has the floor.

Mrs. BOXER. Thank you very much, Madam President.

I say to my friend from South Carolina that I have been on this floor for several hours waiting to speak and I appreciate this opportunity and I will not take very long.

Mr. EXON. May I interrupt for a point of personal privilege?

Mrs. BOXER. Yes.

Mr. EXON. May I make a statement in behalf of the majority leader that will just take a moment?

Mrs. BOXER. Certainly.

Mr. EXON. If it has not been announced previously on the floor of the Senate—maybe it has—at 4 o'clock in the Armed Services Committee, Room S. 222, Assistant Secretary of Defense Deutch will be there for a full and thorough description of the inaccurate story in the New York Times.

Any Member of the Senate is invited to go and listen to that, because it has become a prominent part of this debate and we think every Senator should have the right if they want to go to that meeting.

I thank my friend from California for her courtesy.

(Mr. DORGAN assumed the Chair.)

Mrs. BOXER. Mr. President, it is always a pleasure to yield to the Senator from Nebraska.

I rise to support the amendment by my Budget Committee chairman, Senator SASSER of Tennessee.

Mr. President, for several years in the House of Representatives I served on the Armed Services Committee and I have tried for quite a while to return the star wars program to a basic missile defense program.

I think it is important to point out that that program—the basic missile defense research program—was started by President John Kennedy.

And when my colleague on the House side, RON DELLUMS—who is now chairman of the Armed Services Committee—and I put forward our amendments each and every year on star wars, we made the point that we favored a basicmissile defense research. We argued that if you took the amount of money that President Kennedy had dedicated to the program and you added enough funds for inflation year after year, then now, the program would be about $2 billion.

So I think it is very important to recognize that even with this modest cut in the program, which would in fact match the House-approved authorization, it would still be more than the

missile research program plus inflation that started with John Kennedy.

I would like to say to my friend from Maine, Senator COHEN, who, unfortunately, is not on the floor, that he made an excellent presentation on behalf of this program. He was very eloquent in describing the kind of dangerous and unpredictable world that we live in.

He also said that, when Ronald Reagan was President, he, though a Republican, stood up and opposed the initial Star Wars program.

I think he makes the point very clearly: We should not be partisan when it comes to budgeting. We should not be partisan when it comes to debating a weapons system. Instead, we ought to look at the system, see what it is supposed to do and determine where it fits into our limited resources.

The Senator from Maine also stated that we Democrats supporting this modest cut were implying that we did not trust this administration.

Nothing could be further from the truth. Of course, we are going to have disagreements once in a while with this administration. It does not mean we do not trust them. It just means that we must do our job as well.

When Secretary Aspin announced the end of star wars, the end of the strategic defense initiative and the beginning of basic missile defense research, I thought we would see a commensurate reduction in funding, down to about the $2 billion level. Unfortunately, we did not see that and, as Senator EXON points out, the authorization we are considering is $3.2 billion.

And I would go back to the Senator from Maine's eloquent defense of a missile defense research program and say to him that the Senator from Tennessee is very clear in his amendment. He is still coming up with an adequate number for thisprogram.

I would say to my friend from Nebraska, Senator EXON, that he called this amendment irresponsible, but yet it matches the number that the House Armed Services Committee reported.

I want to tell him and my colleagues about the House Armed Services Committee, because I served on it for several years.

The House Armed Services Committee, I might say, Mr. President, is not a committee of doves. On the contrary, if you were to use the word "hawk" or "dove," you would say there were more hawks than doves on that committee. And I think the Chair knows what I mean because he knows the makeup of the committee. They are very strong and I do not think they would come up with an irresponsible number.

Mr. President, back in the days when I was on the Armed Services Committee in the House—and I think you might find this story kind of amusing—we were in a heated debate on whether or not we should fund star wars. I was making a passionate plea to bring it down a notch or two or three. One of my colleagues on the other side of the aisle got up quite agitated at me—I understood why; because he thought it was a great program—and he said, "Will the Congresswomen yield?"

I said, "Of course, I would be happy to yield."

He said, "Do you know, Congresswomen, that we spend more on panty hose in this country than we do on star sars?"

And I was kind of taken aback. And I thought quickly, and I said: "You know, I can understand why. Because panty hose are affordable. They do not change their mission every day. And panty hose are reliable. And if you look at star wars, it certainly is not affordable. It has not been reliable. And it changes its mission almost every day."

As I sat in the chair and I listened to the Senator from Louisiana talk about the changing missions of star wars, I was absolutely taken with how masterful he was.

He talked about the change from the shield that would protect us all, impenetrable, to a partial shield, to the continental defense, to the Brilliant Pebbles, to the ground-based defense system, to the space-based defense system.

Star wars changed its missions more times than Imelda Marcos changed her shoes. I do not think there is any question about it.

And then there are those who are against this amendment who say: Yes, we have had our problems in the past, but that should not be used against the program today.

I would like to challenge that assumption. I think if this were any other program on the social spending side and we did not have results to show for it, be it immunization or Head Start, if such a program had a bad record, I think that it would be fair to raise it. We need to make our decisions in the present based on what has happened in the past.

We are spending more money on this particular program than we are on any other weapons system. We have spent $30 billion so far without very much to show for it.

Some people say, "Did the Patriot missile come out of star wars?" I think the Senator from Tennessee, the sponsor of this amendment was very clear on that point. No, it did not come out of star wars. It came out of the Army's research into an antiaircraft program. So, really we do not have much to show for Star Wars except ever changing missions and a lot of money wasted.

Senator JOHNSTON of Louisiana said the program has been a flimflam. He said, basically it has been a shuck and a jive.

The Senator from Georgia says yes, that is true, but let us not bring up the old history.

I think we would be remiss if we did not. We have to learn from history.

So, to sum up, this amendment is very modest. There are many of us here who would like to see it go further. I think the Senator from Tennessee himself said that an argument could be made for reducing this program further, but he chose a $400 million cut for this amendment because he wants to be realistic. I support him in his effort. He knows the crunch we are in.

We have to look at drug wars. We have to look at the education wars. We have to look at crime wars. We have a lot of wars we have to fight. We have a deficit we have to bring down.

I appeal to my colleagues on both sides of the aisle. It is really time to support the Senator from Tennessee in what I think is an extremely responsible amendment. And then I think we can truly look the American people in the eye and say we are doing something, not only to make sure we have a solid missile defense system in place, but that the dollars that are behind it are not wasted.

Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator from California yields the floor.

Who seeks recognition?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I regret that the Senator from Tennessee has proposed this Draconian and ill-considered cut in funding for ballistic missile defense. I oppose it strenuously.

This amendment would cut $400 million from the Armed Services Committee recommended level of $3.5 billion. But I must point out that the funding level recommended by the committee already represents a $300 million reduction from the administration's budget request. Thus this amendment would make a total cut of $700 million from the administration's BMD request.

In his letter explaining the amendment, the Senator from Tennessee claims the amendment would allow robust growth in theater missile defense, and protect key components of national missile defense. No one seriously believes this. It simply is not so, and merely saying so does not make it so. If this amendment passes, I believe no meaningful missile defense will be possible. It would not only kill any hopes of national missile defense, but cripple the theater defense program as well, which is the administration's top priority.

Under Secretary of Defense John Deutch, in a letter to our chairman on September 7, urges the Senate not to cut BMD below the $3.5 billion committee mark.

> Budget cuts below the Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

He is speaking of the BMD plan just released from the bottom-up review, which is frankly a very modest plan.

The Sasser amendment ignores the realities of a still troubled and uncertain world. While the threat of ballistic missile attack from the former Soviet Union is remote, there is still tremendous turmoil in the former Soviet Union. The Russians still have a powerful arsenal of nuclear missiles aimed at the United States. We must have a limited homeland defense to guard against a renewed threat from a hard-line Russian regime should one return to power. We must also guard against a long-range missile threat from a hostile Third World nation as well, which Director of Central Intelligence Woolsey says could be possible by the turn of the century. We already face a severe threat from theater ballistic missiles proliferating in the world's most hostile regions.

Members of both parties, including traditional opponents on the SDI issue, all agree that theater missile defense is absolutely essential to protect our forces and vital interests in the Middle East and Korea, and to discourage missile proliferation. Missile defense must continue, not just as research, but as an acquisition program that will protect American lives. I urge the defeat of the amendment.

The PRESIDING OFFICER. Senator THURMOND yields his time.

The Chair recognizes the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. Mr. President, I regret Senator JEFFORDS is not on the floor. He said he had only a 5-minute statement and I was perfectly happy for him to go ahead of me. Since he is not here, I will go ahead with what I had to say.

First of all, Mr. President, as you know, charts have become very trendy in the Senate. This just happened in the last 2 years. Nobody comes to the floor anymore without a fistful of charts. I think that is very healthy. As a former trial lawyer I used to put charts and displays in front of the jury. They are very fine instruments.

I brought my own chart here today. We have spent $30 billion since 1983 on SDI. And this is what we got for it.

Can everybody see that chart? It is a little difficult to see. But this is what we got for $30 billion—nothing.

Mr. President, harking back from this day of September 9, about 33 days ago this Chamber was full of Senators and on both sides of the aisle you heard all this rhetoric about what was wrong with the President's economic package; namely, that it did not go far enough, it did not cut enough.

I told some people at that time on both sides of the aisle, those people who were fearful that economic package was the beginning and the end of budget cuts around here, they would have a great opportunity to put their rhetoric right over their heart and head, and vote for one spending cut after another. Today is the first one. There are going to be many more. The space station, the collider, the advanced solid rocket motor, the Trident II, the intelligence budget—all of those are coming.

I hate to say this—I hate to say it to my colleagues and I hate to say it to the American people—I will predict that at least 75 percent of those cuts will be defeated. They will be defeated by the people who screamed the loudest about how the President's budget package did not go far enough.

Sometimes this is the most surrealistic place I have ever seen in my life.

I read a story in this morning's Washington Post about the space station. I can tell you as a trial lawyer, you should never mix apples and oranges. We are here talking about SDI. But the point ought to be made about how difficult it is to get anything done around here.

One of the reasons morale is lower in the U.S. Senate right now, in my opinion, than has ever been in the 19 years I have been here is because you cannot get anything done.

When I started running for Governor in 1970, I said the people have a right to be wrong if that is what they choose.

I can tell you one thing, the people are right about one thing: They have this crowd's number when it comes to spending cuts. They know rhetoric from reality. The rhetoric is, before the Chamber of Commerce back home, about what a great fiscal conservative you are, and about all those big taxers and spenders up there. And they come right back up here and vote for tens and hundreds of billions of dollars that are absolutely, utterly worthless; that have nothing to do with the real priorities of this Nation.

Here is a space station article of this morning:

> "We can't keep floundering around searching for a new configuration trying to decide how to build it—and with whom. We're spending $2 billion a year," said a House staff member who follows the issue.

They are talking about a design. I want you to listen to this:

> Meanwhile, because of significant uncertainties remaining as to "what we're buying," Mikulski's panel wrote in language that locks up until January 31 about $946 million of the space station funds, according to the aide, who spoke on condition of anonymity. That means "NASA can't spend it until they come back and tell us what the redesign looks like."

Then the aide says:

> In addition * * * "the President or his designee" must certify that the new design provides the same capabilities for scientific researchers that existed in the previous design: "It is the linchpin of whether this space station is worthy of support."

You think about that. The President said we are not going to build space station *Freedom;* we are going to build a much smaller version. And now they are saying the linchpin is whether or not this new design will have the same capability as the one we just torpedoed.

Now, we spent $8 billion on that. Let me go back to my chart. We spent $8 billion on the space station, and so far this is what we have gotten for it. There is $38 billion down the tube; I mean gone forever, for nothing except a bunch of macho spirits around here.

So now we come to the defense authorization bill, and as we head into the latter part of this month and October, all these appropriations bills will come sailing through here, and the first one is SDI. No, it is not SDI anymore; it is BMDO or BD. What is it? BDIO, ballistic missile—BMDO, Ballistic Missile Defense Organization. I said SDI and SDIO for so many years, I am having trouble with that one.

And so now there is a lot of talk here about did the Defense Department deceive us? Did they rig a test? The New York Times wrote this front-page story that in 1984, in order to scare the Russians and deceive Congress, they put a homing radar on the target so you could not miss it. Then they put some powder on it so that when it did explode, if they had to detonate it in case it was a miss, they could detonate it and it would make a big flash and the Soviets would think it was a hit.

That story came out just 2 weeks ago, that Congress had been deceived by an artificially rigged hit under the SDIO program in 1984, and before the ink got dry, all the conservative writers all across America say, "Are we smart or what? We got the Soviets to spend all those billions of dollars by deceiving them into thinking there had been a hit."

That was the first thing that happened, and the next thingthat happened, Mr. President, happened today. Now, is it not curious that the Secretary of Defense and his Deputy waited until noon of September 9, 2 hours before Senator SASSER and some of us were going to offer this amendment? It is the same old story.

On the super collider, the Secretary of Energy said, "Well, I fired the project manager. Everything is going to be hunky-dory now. The cost overruns are over. There is not going to be any more whiskey money spent, no potted flowers, no cost overruns. Everything is going to be hunky-dory because we fired the project manager."

This year, it is the same old story. Not SDI anymore. We already spent that $30 billion. We have even changed the name of it to the Ballistic Missile Defense Organization for theater missile defense, Patriot upgrade calculated to recall all those evenings you watched the Patriot missile during Desert Storm.

The truth of the matter is the Patriot did not perform as well as many believe. You get slightly varying versions of that, but the truth of the matter is the Patriot did not perform all

that well. But we are not here to debate the desirability of a theater missile defense system. I agree with that.

But everybody in this body should realize that if you had an absolutely fail-safe, foolproof ballistic theater missile defense system, you still would not have anything that would intercept a cruise missile. The Iraqis shot some of our cruise missiles down with BB guns or .22 rifles or whatever. But I can tell you one thing, you are not going to shoot down a cruise missile with this system and the cruise missile is easily the most revolutionary system of this century. When the President chose to punish Saddam just recently, what did he do? He sent 20 cruise missiles. He did not sacrifice one single person or life to put 20 cruise missiles on what was designed to be an attack on their intelligence system.

It is not designed to shoot down bombers. If Saddam or some of the Islamic fundamentalists want to rent a Piper or Beech Baron in Miami and load an atomic bomb on the back of it, the ballistic missile system is not going to stop it. If somebody could bring a nuclear device into this country in a suitcase and plant it at the base of the Washington Monument, this system is not going to stop that.

So we are working on a Patriot upgrade.

Mr. President, I will tell you one of the most interesting stories you will hear in this particular debate. Let me turn to another chart. We had this very curious situation where the President was asking for $3.8 billion this year and saying—now listen carefully—the President said: I want $3.8 billion for 1994 for the Ballistic Missile Defense Organization, and then I want $7.8 billion each year thereafter.

So if you gave the President what he asked for until 2 weeks ago, $3.8 billion and $7.8 billion in 1995 through 1999, you have just spent $39 billion.

The Senator from Tennessee made the very cogent point this morning that this bill is enough over the budget resolution we passed, on the assumptions of the economic package, which brought blood all over this place—this bill is above that. So we passed that deficit reduction package and went home and patted ourselves on the backs and said, "We know you're unhappy, but, after all, this is going to cut $496 billion out of the deficit."

This morning, CBO shot a hole in that bone. So we have more work cut out for us to find that roughly $40 billion I think that CBO says we have to come up with to keep faith with the American people.

But shortly after we passed that thing, I think precisely 2 days, the Secretary of Defense said: We made a slight mistake. The defense numbers in this economic package are $20 billion short.

Then, later on, as recently as a couple of days ago, I had been advised the Defense Department now says we now have that $20 billion overrun down to $13 billion, and we will find the rest of that.

So give the devil his due. Let us assume the Defense Department is, indeed, going to find the $20 billion short that they said existed shortly after we stood up and took all those slings and arrows to vote for that economic package.

But, Mr. President, that does not satisfy all the rhetoric we heard around here for 6 months about why we have to cut more. And so the President, until 2 weeks ago, said, give me $3 billion this year, $7.8 billion thereafter and we will get the show on the road for $39 billion through 1999.

Two weeks ago, they changed it—2 weeks ago. This was the result of the bottom-up review. In the bottom-up review they said give us $3.8 billion this year, and $3.8 billion each year thereafter.

But if you take the $3 billion that Senator SASSER is asking for and correlate it to what they originally said, $6 billion a year thereafter, you spend $30 billion. Now, I assume that may be obsolete now.

But while I am a cosponsor of the Sasser amendment, I do not like it. The reason I do not like it is because it does not cut nearly enough. The reason it does not cut nearly enough is because I believe in Bill Crowe. I think Admiral Crowe is the best Chief of Staff this country has had since George Marshall. Certainly he is the first soldier-statesman we have had since George Marshall. But Bill Crowe is an honest man. He is a very, very capable military theatrician. And here is what he said:

> In any event, I would argue for a throttle-back effort which seems to accord with both economic and military reality, perhaps in the neighborhood of $2 billion annually to keep the program moving and our knowledge ahead of our competitors.

Two billion dollars is what the 8-year Chief of Staff of Ronald Reagan says the budget ought to be, and that was back when we were talking about SDI. That was back before Les Aspin said SDI is dead.

Admiral Crowe went on to say:

> I must admit that the case for a credible SDI mission, in my mind, grows weaker every day.

And then he goes on to say:

> The critical point is that defense is a zero sum game and money which funds SDI will come from programs which buy good defense against more plausible and likely threats. Given the Nation's pressing domestic agenda, the whole subject should be reviewed.

I like to coin a phrase, but I tell you he is a poet. He says these things so everybody understands. He says there is no viable threat to the continental United States for the foreseeable future.

Everybody in the Pentagon will tell you that the only three nations that will have ballistic missiles capable of hitting the United States by the year 2010—17 years from now—the only three nations that could hit us are Brazil, India, and Israel. Three friendly, for many, many years, friendly nations.

Mr. President, what does it take to get people not to knee-jerk these issues? As I read that Post article this morning, I thought, we have a lot of Senators who do not care what the facts are. Here they are saying on the space station, they are saying we have a new design but we do not know what it is. And this guy says we are floundering all over the place. How can we expect this station to survive when we do not know what we are trying to build?

Never fear, unidentified aide, you will get the money. You do not have to show us the design. You do not have to guarantee capability. Just throw it out there and say it will cure cancer.

The Senator from Texas [Mrs. HUTCHISON] said the other day the super collider is going to cure cancer. I have heard the argument year, after year, after year, that the research we are going to do on the space station will cure cancer, arthritis, corns, warts, burns, bruises. I submit to you that you will get more cancer cure out of a tube of Neosporin than you will get out of a $100 billion space station.

And yet the reason I said a moment ago this place is surrealistic at times is because it just does not seem to make any difference. You can point out that seven of the eight technologies we have tried on SDI have been discarded. Do not worry about the technologies of 1984 and whether the thing was rigged or not. Those have already been discarded, all of that technology. On the whole SDI concept, about which some of us stood in this Chamber and screamed our lungs out year after year since 1984, saying this is foolishness, in the year of Our Lord 1993, the Secretary of Defense says SDI is dead. But he did not say we could get back our $30 billion that we had wasted on it.

Mr. President, I do not mind telling you I am so weary. I have stood behind this desk now for 5 years and taken this on. Senator JOHNSTON, one of the most knowledgeable Members in the Senate on SDI, actually understands a lot of the technology. I confess I do not. All I know is they have tried every technology under the shining Sun, and they have just discarded them one after another, the technology. We have gone from Brilliant Pebbles now to Brilliant Eyes. What is that? What are Brilliant Eyes?

I am telling you, I sometimes think these acronyms and names they put on things are designed to confuse us further. You have to look at these things almost instinctively and with belt buckle native intelligence. You start trying to follow the Pentagon or CIA's acronyms, and I promise you you will go stark raving batty.

Senator JOHNSTON led the fight here for 2 or 3 years and, like everybody, grew weary and quit. I took it over for about 3 years. Then Senator SASSER started last year, and here we are back again this year.

But you know, in this environment, after everybody here has taken so much heat over the President's program, if we cannot cut this sucker this year, we never will.

I am tired of beating my head against the wall. I believe the deficit threatens the very economic future of the Nation, and I believe in doing something about it, not just talking about it.

So, Mr. President, as I say, that is not a threat. I guess I have worn out my welcome to my colleagues on SDI, the space station, and a lot of these other things. But I tell you. I would rather try to lose, as long as I am absolutely satisfied that I am on the side of the angels with this one.

I hope, and I really believe, the Senate might vote for the Sasser amendment this year. It is not very much. When I told you a moment ago I did not finish the sentence. I said I did not like his amendment, and the reason I did not like it is because it does not cut enough. When the appropriations process comes back I am going to offer an amendment to still cut it further because I believe what Bill Crowe said; $2 billion is enough. If the chief military officer of this country says that, why on God's green Earth do we not listen to him? When he says things we agree with, we say is he not wonderful? But if he happens to say something you disagree with, he is just dead wrong about that one. I think he is dead right about most all of these things, but especially this.

So I am hoping that Senators will honor their commitments that they made 33 days ago when they said we have to cut a lot more money. You are either serious about deficit reduction or you just want to talk about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have listened intently to the very excellent statement and arguments of my good friend from Arkansas. There is little, if anything, that I disagree with. Certainly we have heard enough about the proponents of the plan, and the change of the name will somehow make it a very important difference.

I cannot conceive that something is a different system than the old SDI that we worried about, strategic defense, and that now the primary emphasis is supposedly on theater defense and other things, but the same weapons systems are being investigated; the same money is being spent; and the same, in my mind, wasteful progress toward the future.

I would like to change the argument to some extent. I think it is time, at this time in our history, that we just stop and look at the big picture, to think about what kind of priorities we are still dealing with, how we should change those priorities to meet the problems of the day and not of yesterday.

We can no longer afford to spend all that we might like to on the many programs that we have funded in the past. I have been sounding this same theme, prioritization in many areas, in education, health care, in foreign aid and defense. We cannot continue on the path we have trod for the past decade. We must once and for all decide which roads are most likely to get us to our destination and stick with them.

We can no longer afford to keep all of our options open to fund every worthy program and just see which program performs best over time, or to examine every conceivable problem which may come in the defense area and say that even though that threat seems to have disappeared it might reoccur and thereforewe should go forward with the same kind of funding. The American people elected us to show some leadership, and this is one of those moments when it may not be easy but it is truly necessary.

With the end of the cold war, the changing nature of threats to our national security, the defense budget has declined over the last few years. The bill before us continues that trend, as well it should. I have not been calling for radical cuts in defense spending, but I do advocate careful review of all defense programs to determine where our priorities now lie. The easy cuts in defense spending have all been made. From here on every cut we make helps in some quarter and causes some pain in some community. But we have been elected to do that job responsibly.

Let me say basically what we are talking about here. We are talking about research and development regarding defense systems for our future. But is that our greatest threat right now?

I believe our greatest threat right now is our inability to compete on the world markets, and that this Nation which has always prided itself at being the best in research and development has slipped dramatically in many areas. That slip has occurred primarily because our brains and our efforts have been working on the military side, and rightfully so. And it is because of that that we have developed the cruise missiles and to some extent the more elaborate defense systems.

But the situation now is different. We are competing with countries like Japan, Germany, and others who have spent all of their research and development in commercialization and how to win on the world markets.

We are being faced with cutting back on money. We are being faced with many issues of cutting back in research and development.

I say to the Senator from Arkansas that in some areas we agree, and in research and development we disagree. But in some ways I agree with him on that. But if I were to make a choice between the other things like the space station or the super collider or the strategic defense initiative, now called the ballistic missile defense, I would put the ballistic missile defense at the bottom of those three critical areas that we are examining. Each of the other two, the space station and the super collider, will give us an edge and hope to provide better research and development for commercialization, to make sure we can go to the future in hopes of being able to improve our standard of living by being able to compete on those international markets.

I may still vote against one of those other two, but if I had the choice between taking the money out of SDI and putting it in those, I would much rather do that. I think the national interest would be much better served.

Actually, the amendment we are seeking cuts nowhere near as much as I think ought to be cut. But it is a step in the right direction of reordering our priorities, and we will reopen these funds in other areas where R&D may be more than those three which I discussed.

In order to come within the limits allocated by the Appropriations Committee with respect to the system which we are talking about, $2.6 billion must be cut from this bill.

The Armed Services Committee, under the able leadership of Senators NUNN and THURMOND, has made great progress in articulating these tough decisions. But more needs to be done to this bill. And I believe the ballistic missile defense category stands out as one area where increased funding has been the norm, and we have little concrete progress to show for all of the money.

The strategic threats to the United States have changed rapidly since President Reagan first proposed converting the modest ballistic missile defense research program into his aggressive strategic defense initiative.

Now I fear that the greater threat to this Nation comes not from an ICBM strike by some former Soviet Republic, or a fledgling nuclear power, but rather from the inability of the United States military to carry out some future mission because Congress and the White House have refused to make the hard choices in the long-lead, high-technology programs, and have fallen instead into the easy trap of sacrificing readiness, operations and maintenance, or personnel accounts in order to make the short-term savings requirements.

I urge my colleagues to look closely at this to understand its very modest nature and to realize that this amendment will put us closer to more manageable Defense budgets in the years to

come. Unchecked, the current SDI Program in the proposed budget, followed to its logical extension over the next few years, will quickly reach $6 billion, almost twice what it is in the bill today. The consequences of that type of funding explosion on the unworthy Defense programs would be very severe.

The Sasser-Jeffords amendment cuts $400 million from the committee's bill setting SDI funding at $3.06 billion, still a very robust program of research and development.

The amendment would eliminate redundancies in the BMD [Ballistic Missile Defense Program] without hampering the most productive lines of research. It is time to make some tough choices to decide what is the core of our national defense so it will not be sacrificed in this time of increasing fiscal constraints.

I urge my colleagues to vote in favor of this amendment.

Mr. President, we are facing many challenges in this world. These challenges require us to have the courage and resolve to take action.

There are areas in which we should be expending our efforts in defining our policies so we can better deal with such situations that are existing in the world today.

I, along with a number of others, met today with the President of Bosnia, who is seriously concerned about the future of his nation, and the inability of this Nation to provide any assistance whatsoever.

I came away from that meeting depressed in a sense, but encouraged in another sense that we do have an opportunity to be able to help that nation, and that is where we should be spending our time and effort now in redesigning our policies and efforts on what to do.

Mr. President, twice in the past year I have traveled to the war-torn land that was once Yugoslavia and have seen first hand the terrible human suffering. To talk with victims of ethnic cleansing and to hear their stories of rape and torture was a truly shocking experience.

Now I have just returned from Warsaw and a conference on Eastern Europe attended by representatives of most European countries. The key topic was the Bosnian situation, and I came away fully as shocked as by my earlier trips, but for a much different reason. What alarmed me this time was the absolute lack of resolve on behalf of the NATO nations. It has me thinking—what is the value of NATO if it is unable to act with conviction in situations like this?

The horror continues unabated in Bosnia, under a U.N. policy that, stripped to its essentials, amounts to this: The United Nations will make sure you are fed before you are raped, murdered, or displaced. Meanwhile, no effort is being made to stop ethnic cleansing. Indeed, the presence of U.N. peacekeepers often accomplishes little more than freeing more Serbs troops from occupation duties in conquered territory to fight on the front lines.

As a member of the Senate Foreign Relations Committee, I have written President Clinton urging that this country act now, and forcefully, to bring about at least two very reasonable objectives of the Bosnian Government in current peace negotiations. First, Bosnia wants a seaport on the Adriatic, a way to reach the outside world without having to pass through Serbian or Croatian lines. Second, it wants theboundaries that are agreed upon to be guaranteed with force.

While I consider it preferable to work within the framework of international organizations, if European allies remain unwilling to take decisive steps to bring about an equitable solution to the conflict, it may well be necessary for the United States to take unilateral action.

The time has come for us to bring real pressure to bear in the negotiations. This is the 11th hour, the last chance to exercise our responsibility as a world leader and to salvage a modicum of self-respect for the role we have played when confronted by Europe's greatest post-war tragedy. Winter is approaching, threatening to bring catastrophic starvation to Bosnia. Yet the near total collapse of the Serbian economy provides strong leverage. American willingness to ratchet up pressure still further on both Serbia and Croatia could secure an agreement which meets the very reasonable requests of the Bosnian Government. In the case of Serbia, which bears principal responsibility for the conflict, those pressures should include the threat, backed up by action if necessary, to carry out air strikes on tactical or even infrastructure targets held by the Bosnian Serbs or in Serbia itself.

At stake in the Bosnian crisis are the very credibility of the United States as a world leader and the effectiveness of the United Nations as an instrument of peace. Failure, once again, to take decisive action will merely feed the growing perception that the international community is not willing to stand up to aggressive behavior that deliberately flaunts U.N. mandates and is even less willing to do so when the victims of aggression are Muslims.

Such perceptions can only feed the ambitions of would-be aggressors elsewhere and heighten resentments in the Islamic world that have helped spawn international terrorism.

Mr. President, these are the kinds of issues we should be spending our time on. Yet, it is essentially important that we reorder our priorities so we can better meet these new demands being cast upon us. I urge support of the Sasser-Jeffords-Bumpers amendment as being a step forward in reevaluating our goals and priorities and placing ourselves in a better position to meet the needs of the present and the future.

I yield the floor.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SASSER. I renew my request.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KEMPTHORNE. Mr. President, I rise today in opposition to the amendment currently before us on the floor. The amendment proposes to cut the budget for the ballistic missile defense program by $400 million. This cut would be enacted in addition to the reduction of $300 million imposed by the Armed Services Committee on which I serve. Further, the proposed cut offered by the senior Senator from Tennessee would be in addition to the $21 billion cut in the former SDI Program in the 5-year defense plan that is recommended in the bottom-up review.

Mr. President, the ballistic missile defense program is, in my view, one of the most important programs in the entire defense authorization bill. The SDI Program is a research and development effort designed to give the American people and its troops deployed overseas protection against ballistic missiles.

No one in this Chamber can deny that the threat of missile proliferation is a growing challenge to U.S. security. As we witnessed so vividly in the gulf war, nations such as Iraq will use ballistic missiles, such as the Scud, in the pursuit of their military objectives. The United States currently possesses only a very modest capability, the Patriot antimissile defense system, to defend its troops. During the gulf war we were fortunate to have a Patriot. But now in an effort to increase our capability against far more capable theater ballistic missiles than the Scud the Armed Services Committee has focused its funding recommendation on the theater missile defense initiative, known as the TMDI.

Unfortunately, while we emphasized development of theater missile defenses we have dramatically reduced funding for the national missile defense initiative, known as NMDI. This program is designed to give the United States' homeland a defense against long-range ballistic missiles. In fact, the movement toward actual deployment of a national missile defense system that took place under the Bush administration has been reversed by the current administration. Now, instead of moving toward deployment of a national defense system, this program has been slowed and stretched out into a technology development program.

The decision to delay the development and deployment of defense for the

American people is a serious mistake, in my view. As we all know, more and more countries are acquiring longer and longer-range ballistic missiles. Indeed, it was earlier this year that President Clinton's director of the CIA, Jim Woolsey, warned that a nation hostile to the United States may acquire a ballistic missile that could reach the United States sometime after the turn of the century—the turn of the century, which is less than 7 years away. At the same time, the Clinton administration proposes delaying the deployment of a national missile defense system until sometime late in the next decade. In other words, we are leaving ourselves vulnerable to a threat that the CIA tells us is coming. I fear we will indeed regret this decision.

Mr. President, the SDI program has contributed more toward deficit reduction than any program in the Federal budget. As I noted earlier, the Clinton administration proposes to reduce spending on missile defenses by $21 billion over the next 5 to 6 years. And at the same time that it is proposing a deep cut in spending on missile defenses, Secretary of Defense Les Aspin has warned that the proliferation of weapons of mass destruction and the means to deliver them is one of the top threats facing this Nation.

In light of this acknowledged threat, I find the proposal to reduce spending on the program designed to counter this threat unwise.

Mr. President, the administration opposes any additional funding reductions in the ballistic missile defense program. We have a growing threat of ballistic missiles, and our troops and citizens need a defense against these weapons.

Mr. President, the question was asked what have we gotten for the $30 billion that has been invested in the SDI Program. I would like to quote from a report that has been released entitled "What Did We Get For Our $30-Billion Investment In SDI/BMD?" written by James A. Abrahamson and Henry F. Cooper, the first and second directors of the SDI Program.

In this report, it states:

Marshal Sergei Akhromeyev (former Soviet Chief of Staff, close advisor to Gorbachev, and head of the Soviet Experts Group at Reykjavik) told Ambassador Vernon Walters (who was our Ambassador to the UN at the time of the Reykjavik Summit), that Reagan's refusal to give up SDI at Reykjavik was a "watershed event," by which Walters understood that Gorbachev was then persuaded that the Soviets could not compete. This view is shared by other world leaders, including former British Prime Minister Margaret Thatcher. At a February 1993 Princeton University meeting, former Soviet Foreign Minister Alexander Bessmertnykh (who was close to the US-Soviet negotiations throughout this period) and former Gorbachev aid Anatoly Chernyaev indicated that SDI had a decisive effect on Soviet political and economic calculations that hastened the end of the Cold War. (See press accounts in the February 27, 1993, Washington Post and Washington Times.) About the same time Russian Deputy Foreign Minister Grigorly Berdennikov, in an ABC interview in Madrid, said, "The Soviet Union fell precisely because it could not afford 'star wars' and the arms race against the West."

I think that quote is worth repeating:

The Soviet Union fell precisely because it could not afford 'star wars' and the arms race against the West.

Finally, Ambassador Vladimir Lukin (Chairman of the Supreme Soviet Foreign Relations Committee during the 1980s and now Russia's Ambassador to the United States) has observed that SDI accelerated the end of the Cold War "by five years."

Mr. President, I think this is dramatic evidence suggesting what SDI has meant for the welfare of the Nation and the world, the fact that it accelerated the demise of the former Soviet Union by perhaps 5 years. And this is according to the Russians themselves.

But, Mr. President, it does not mean that we simply live now in a world that can rest in peace. We do have countries that are undergoing multibillion dollar arms buildups and it is not for peaceful measures.

We have had a great deal of discussion, too, Mr. President, about the accusations that have been made on the report that was in the New York Times. The New York Times says that former officials of the DOD stated that the fourth homing overlay experiment was faked to deceive Congress about the feasibility and success of SDI, and that is a serious charge. The Pentagon has looked into this charge. The Office of Technology Assessment has looked into it, and this morning Under Secretary Perry told Senators the result of his own inquiry. He concludes that the accusations are "wrong, dead wrong."

Let me review for you, Mr. President, the particulars. The New York Times says that the interceptor did not track and guide to the target on its own but rather homed in on the radio beacon on the target.

The truth is that there were beacons on both the target and the interceptor. The beacons were mandatory for range safety so the range safety officer could determine if the missiles had gone out of control. In fact, the frequency of the beacon was such that the interceptor would have had to have an antenna 10 feet across to track the target. That was not the case.

The New York Times says that the target was artificially heated to make a better target. Yes; it was heated. The real target enemy reentry vehicles are quite hot because they go through the atmosphere so fast, but this target was sitting in the cold night air at Vandenberg. So the target in this case had to be heated to match the real targets.

The New York Times says that the target was not destroyed by impact but by an explosive charge. There was an explosive charge, but it was meant to accelerate and amplify the impact so it could be seen from the ground. It is called a marking charge and it is used all the time to make a cloud last for a few minutes so that the location of the impact can be determined. It was not exploded by anything but the impact, not by a proximity fuse and not by a signal from the ground. The New York Times article was inaccurate.

Now, Senators ought to know there was a deception program in effect at Pacific test range. There was a Russian trawler gathering intelligence on the test. It was meant to convince the Russians there had been a hit even if the interceptor missed. This would have been done by detonating the target on command. This was a planned feature of the first three tests. The deception plan was canceled for the fourth test.

Mr. President, I believe that we have sufficient information here that points out that the article in the New York Times was not correct. We have had the Pentagon, we have had Dr. Perry, who has now given us evidence, and Secretary of Defense, Les Aspin, released a statement that has been made part of the public record.

Mr. President, I believe that again the SDI Program has proven great worth to the United States. The continuation of the program in its current form is absolutely essential to us.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Alabama.

Mr. HEFLIN. Mr. President, on behalf of the unprotected members of our Armed Forces, as well as our civilian population, I urge the Senate to reject the ill-advised attempt to take an additional $400 million from the ballistic missile defense budget for fiscal year 1994. This amendment, if passed, will undermine our capability to defend ourselves against the threat posed by the global proliferation of ballistic missile technology and weapons of mass destruction.

As the Persian Gulf war graphically illustrated, even the limited use of unsophisticated, short-range ballistic missiles such as the Scud, can have a dramatic impact on our ability to protect our national security interests at home and abroad. One need only take note of recent headlines concerning the activities of such countries as North Korea and Iraq to realize that many of our potential adversaries are perfectly capable of buying, not necessarily producing, but buying ballistic missile hardware and technology on the open market, and they have been doing so for years. Unfortunately, the collapse of the Soviet Union has created new opportunities for acquiring such weaponry throughout the world and the problem is getting worse by the day.

Our new Secretary of Defense, a respected former Member of Congress, chairman of the Armed Services Committee of the House, has repeatedly

identified the proliferation of ballistic missile technology and weapons of mass destruction as one of the four major dangers that threaten our national security. In a recent address to the graduating class at West Point, President Clinton himself referred to this threat as one of the key challenges that our military leaders will face in the future. To quote the President,

A particularly troubling element in the world you face is the proliferation, around the globe, of weapons of mass destruction and the means for their delivery. Today, ambitious and violent regimes seek to acquire arsenals of nuclear, biological, and chemical warfare weapons. As we discovered in Iraq, surging stocks of ballistic missiles and other advanced arms have enabled outlaw nations to extend the threat of mass destruction a long way beyond their own borders * * *

Our goal in reducing defense spending must be to maintain a healthy balance between offensive and defensive military capability without putting our national security at risk. For decades, we have pursued advanced offensive weapons, under a policy of mutual assured destruction [MAD], without investing in any type of defensive system. The threat has certainly changed, we no longer fear a massive attack by the Soviet Union. Unfortunately, though the Soviet Union has disappeared, we are still without any means of defending against attacks from hostile and possibly irrational third world leaders who are not deferred by threats of retaliation. How long will it before our luck runs out and we lost thousands of troops to a ballistic missile attack with chemical, biological, or nuclear warheads? How long before we are blackmailed by a fanatical third world leader with the threat of ballistic missile attack against one of our major cities?

I, too, recognize the need to reduce spending, to cut the deficit, but some costs are simply to high. Saving a few dollars now, at the cost of untold lives in the future, is no bargain. I, therefore, urge my colleagues to remember our experience in the Persian Gulf, to recognize our current vulnerability, and to then join me in defeating this unwise amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, thank you very much.

Mr. President, if we had in this Chamber a map of the State of North Dakota, and if you were conversant with the communities and the regions of North Dakota, and if you looked in the northeast corner, you would find a small spot on that map called Concrete, ND.

That spot designates a major weapons program built in this country, the only antiballistic missile program built in the free world, a monument to colossal wasteful spending in our country. We built the only antiballistic missile system in the free world in the northeastern corner of North Dakota. We spent billions of dollars, and then we closed it 30 days after it was declared operational. It is truly a monument to Government waste.

I have spent now some months watching interest groups and politicians parade around this town with pins that say "cut spending first." I do not know who printed these pins, but clearly there is a political movement that says the national interest now on fiscal policy is to cut spending first.

Well, today, and increasingly in the days ahead, on appropriations bills, we will see whether those who wear the pin "cut spending first" have an appetite to cut spending at all. If we cannot cut spending on this program, then we cannot cut spending.

These are not rocket scientists' decisions. These are yes or no decisions on whether we should spend this money or not spend the money. Do we support this amendment to cut spending or do we not? Yes or no.

Now, that yes-or-no decision is made in the context of a dramatic change in the world. If, 5 years ago, someone had said, "You know, 5 years from now, the world is going to look different. We are not going to have an arms race. There won't be a Soviet Union. East Germany will not be East. Most of Eastern Europe will be free. There will be no Warsaw Pact," you would have said, "Well, clearly, you have been drinking something stronger than you should. That is not what the world is going to look like. There will remain a Communist threat. There will remain a Warsaw Pact. And Eastern Europe will still be under Soviet influence."

The fact is that in a very short period of time, things have happened that almost take our breath away. The people who make maps, people who draw the lines and create the maps of the world, simply cannot keep up. Countries are changing, the lines are changing, the names are changing. And democracy has been winning. The world has changed for the better in a breathtaking way.

You all remember the arms race. There was a time in the arms race when it did not matter what the other side did. We had to do it, too.

I said on the floor of the House a number of times, if the Soviets had been buying horses to start a new cavalry, we would decide we needed to start buying horses, as well. It did not matter how goofy it was, the arms race meant we spent and spent and spent. We spent with no object.

Well, I was on a bomber base not too long ago. And it looks different because the world has changed. Where there used to be crews sleeping in buildings on alert pads near their B-52's and B-1's, there are now no crews on alert. Where, for over30 years, an airplane used to fly 24 hours a day in an operation called Looking Glass, a flying command center, in the event of nuclear war—every minute, every day, all year long, that airplane was in the air in the event of a nuclear war—it landed. It is over. Its flight is done.

The Soviet Union does not exist on the map anymore. The world has changed.

The only thing that has not changed—the only thing that has not changed—is the way people in this Chamber view spending when it comes to projects like this. The only thing that has not changed is the appetite to spend money on projects we do not need, especially in the area of defense.

Now, I take a back seat to no one in demanding that we have a safe and secure America and a military able to defend our freedom. But, having seen the only antiballistic missile system ever built in the free world built in my State and closed 30 days after it was operational, I can tell you that that is a monument to Government waste we should not repeat.

So the question today will be: Shall we cut Government spending? Yes or no.

The Senator from Arkansas, Senator BUMPERS, had it absolutely correct. This is too timid. This amendment is far too timid. It cuts far too little.

When he does offer his amendment on the appropriations bill, I intend to be the first one to speak for it, if he will let me.

Two billion dollars is plenty. In fact, that is probably too much.

But this amendment is a timid amendment that cuts precious little money from a program that is not needed.

The question confronting this Chamber is: Will we take even this first modest step in living up to those pins we wear on our lapels that say "cut spending first?"

This program, at its roots, did not make sense. If there is a threat, if indeed there is a nuclear threat from a Third World country, it is far more likely to be the threat of a nuclear device planted in the trunk of a Yugo car parked on a vacant street in New York City; or it is far more likely to be the threat of a nuclear bomb planted in the hold of a ship tied up at a dock in some American port. Both of these threats are far more likely than that of a sophisticated intercontinental missile heaved across the skies by some Third World country.

That is a fact. That is not science. That is a fact.

As we talk today about what we want to fund, we need to decide what our priorities are.

I know some have talked about other needs. The Senator from Vermont, I think, talked about other needs in our country.

I just came from a meeting about an hour ago in which a doctor told me

that, on an Indian reservation, a 13-year-old was put in a drunk tank and locked up for 3 months because there was no space to deal with him. He came from an alcoholic, dysfunctional family: a 13-year-old thrown in jail because we did not have the money to deal with him.

On that same Indian reservation, I told my colleagues on the floor, a 3-year-old girl was placed in a foster home and had her hair torn out, was bruised, her nose broken, her arm broken, abused by foster parents because one person on that reservation handled 150 cases because we did not have the money for more social workers. Relative to this program, we are talking about pennies.

And today we are talking about hundreds of millions of dollars for a weapons system we do not need. Yet many in this Chamber will vote for it.

I think it is disgraceful that we cannot sort out our priorities in a more thoughtful way, in a way that responds to the real needs here at home.

I am not saying we should not have a defense. I am not saying that at all. But I am saying that if we take a look at weapons systems when the world is changing and cannot say, this system does not make sense and this system ought to be scrapped, then, Lord, we are never going to make it. We are simply not going to make it.

I want to say one other thing. I heard until I was sick, in the last 6 or 8 months, about special interests. Special interests. I want to talk about special interests and this program.

They have talked a lot about building the first site for this program in my State. I am telling you, there are a lot of people in my State who very much want this program to move forward. They say it will be good for our State. "Great. New jobs in our State." We sure need new jobs. But I am saying this is not a good program.

But you know what the special interests do—the Defense Department, the contractors, the corporations that are going to get some of this business? They are out there in North Dakota holding seminars with small businesses saying, "Here is how you can be advantaged by this program if only your elected representatives will support it." That is how the special interests work. It is not, "What are the merits of this? Is it needed for our country's defense? Is this good for our future? How does this fit with our fiscal policy?" No, it is not that at all. It is classic special-interest politics: corporations in my State holding seminars telling small businesses, "Here is the money you will get from this project. So be sure and talk to your Senator or your Representative about supporting it." It is not about the merits; it is about money. It is about special interests.

This project should not be built. This project ought to be scrapped. The world has changed. If we do not recognize that, we do not recognize anything. We have plenty of other needs and plenty of other problems in this country.

I agree with those who wear the pin "Let's Cut Spending First." But I tell you, if you have a desire to wear that pin, let us see the desire to cast the vote that indeed cuts spending first. When the Senator from Tennessee calls for the vote, I ask everybody in this Chamber who has worn that pin to put the pin on. Cast the vote. Then let us see who voted to cut spending first.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Sasser amendment No. 785 at 5:50 p.m. today; that the time until the vote be equally divided in the usual form; and that no other intervening amendments be in order until disposition of the Sasser amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, on behalf of Senator THURMOND, the ranking member, we agree with that. We appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators then should now be aware that at 5:50—that is just a little less than a half-hour from now—a vote will occur on or in relation to theSasser amendment. Senators' offices should alert Senators to be present during that vote.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues and I yield the floor. The time will be under the control of Senator NUNN and Senator SASSER.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask the distinguished chairman if he will yield me about 5 minutes, please?

Mr. NUNN. Yes. I would like to save 5 minutes for the Senator from Connecticut, and I would also like to make remarks for just a couple of minutes. As I understand it, we have now, equally divided, approximately 30 minutes. I yield 5 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I would like at this time to engage our distinguished colleague from Tennessee, the principal proponent of this amendment, in a colloquy on two programs which this body has supported consistently for many years, the ERINT and the Arrow programs; the Arrow, of course, being key to one of our principal allies, Israel.

I would like to ask of our distinguished colleague, what is his interpretation of the impact of this amendment on those two programs? The Senator from Virginia, in his analysis, is deeply concerned that this amendment would adversely impact both of those programs, which this Chamber in years past has deemed essential to the security of our country as well as that of our allies.

I wonder if the distinguished chairman might have the time for his reply allocated to his side of the debate?

Mr. SASSER. Mr. President, I would object to that. I will be pleased to reply on the time of the distinguished Senator from Virginia.

Mr. WARNER. Then I will allocate 1 minute of my time to the Senator.

Mr. SASSER. I say to my friend, it will have little or no impact. What the Sasser amendment does is to provide $3 billion for the ballistic missile defense. It preserves all of the administration's priorities in the ballistic missile defense, including the Arrow project and the other project that the Senator referred to. It will have the effect of reducing the 12 theater missile defense programs that are now ongoing down to eight programs. But it does protect all of the ballistic missile defense procurement funding.

What this amendment does, it actually allocates 48 percentof the total amount under my amendment to theater missile defense, which is what I understand the Arrow is associated with. It also gives the Secretary of Defense the discretion to allocate up to an additional 10 percent of the total funding to theater missile defense programs.

Mr. WARNER. Mr. President, I have to respectfully disagree with my colleague. The information I received from the Department of Defense is that this amendment would have a very serious and adverse impact on both of these programs.

Second, Mr. President, I say the advanced R&D program is going to be severely hurt, if not decimated, by this amendment.

Last, the Secretary of Defense—and I have publicly said this several times—has done a very crucial job on the bottom-up review. This amendment would, in my judgment and the judgment of others, have a serious negative impact on four out of the five objectives most recently stated in the Secretary of Defense's bottom-up review.

I reserve the remainder of my time.

Mr. NUNN. Will the Senator yield me back 1 minute of his time and then I will be glad to cooperate with him?

Mr. WARNER. Yes.

Mr. NUNN. On the point we have been debating a good bit off and on all afternoon and the point the Senator from Virginia just made with the Senator from Tennessee, I would say there is no doubt about the fact—and I said this earlier, but I now have a letter

from Tony Lake, Assistant, National Security Affairs, on this very point, where he says:

Your committee has recommended a level of $3.45 billion for BMD in fiscal year 1994, a level consistent with the 5-year defense plan funding profile envisioned by the Bottom-Up Review. A cut of $400 million in fiscal year 1994, as proposed in the amendment, would require the administration to request over $4 billion in 1995 if we were to keep track over the course of the 5-year defense plan with our new $18 billion BMD program.

I call the attention of my colleague from Virginia to this paragraph.

In addition, the amendment would specify that no more than 48 percent of the funds approved in this bill for BMD could be spent on theater defenses. This restriction is inconsistent with the restructured BMD program that resulted from the Bottom-Up Review. Under the Bottom-Up Review, 67 percent of the funds allocated to BMD during the 5-year defense plan would go to theater systems.

Continuing to quote, bottom line, Tony Lake, Assistant to the President, National Security Affairs, he says:

In short, the amendment would not allow the Defense Department to give theater missile defenses the priority the President directed in approving the Bottom-Up Review.

That is the end of the quote. And he says on the first paragraph, quoting again: "The administration is opposed to the Sasser-Bumpers-Johnston amendment."

Mr. WARNER. Does that not, Mr. Chairman, corroborate the statements I made briefly on the floor?

Mr. NUNN. Absolutely. And it also corroborates the entire dialog we had this morning where I made the statement that the chart of the Senator from Tennessee is out of date and does not take into account the new administration's program under theatermissile defense.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 10 seconds.

Mr. NUNN. Mr. President, I yield 4 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and thank the chairman of the committee, my colleague and friend from Georgia.

Mr. President, I rise to speak in support of the ballistic missile defense program authorized by the Armed Services Committee and, therefore, against this amendment. I think it is important to stress here that we are not debating the strategic defense initiative. This is not a debate over a space-based missile defense system. This is a debate over a ground-based system. It is also not a debate over whether the Congress was deceived at earlier stages of testing of SDI. That is an interesting and, indeed, important question. But in my opinion it is irrelevant to this proposal before us today.

The question I think we have to ask ourselves is, does America, and do our troops in theaters of combat, face a threat from ballistic missiles?

I think the answer today and, increasingly so tomorrow, is yes. Today Russia, China, Ukraine, Kazakhstan, and Byelarus all have ballistic missiles on their territory with sufficient range to reach the United States. I am not saying this is an imminent threat, but let us recognize that reality and acknowledge, as we have seen in recent history, that governments can change quickly and unpredictably.

Let us also understand that after the turn of the century, several nations hostile to the United States may well be able to develop ballistic missiles indigenously and thus threaten the United States. It is hard to give a precise date for that, obviously. But over the next 10 years, according to experts that I have consulted, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake intercontinental ballistic missile development.

The administration has wisely changed the Ballistic Missile Defense Program to give first priority to theater missile defenses, defenses that will protect our troops in combat from missile threats like those they faced in the Persian Gulf war and presumably will face in the years ahead in other theaters of combat.

However, although this program has been refocused, the administration has not abandoned the goal of missile defense for the United States. The BMO program, as authorized by the committee, will continue to develop the means necessary for defending our nation from long-range missile attack which, though unlikely today, is plausible tomorrow in the hands of those who are our enemies. While this threat is less immediate than that posed by shorter-range missiles to our forces in the field, the progress we make in countering these shorter-range missiles will give us both the knowledge and the technology that can be applied toward a national missile defense system.

Mr. President, ballistic missiles are, in fact, a threat today. If we reduce the funding authorized by the committee without knowing what the impact will be, I fear that we will be delaying deployment of missile defenses and thereby leaving our troops in some future theater of combat vulnerable to missile attack.

I would remind my colleagues, as others before me have, that during the Persian Gulf war, the largest single incident of American casualties was the result of such an attack.

Moreover, a number of nations currently possess or are developing ballistic missiles, including North Korea, Iran, Iraq and Libya, and these missiles have a sufficient range to reach American forces in possible fields of combat. We need to develop and field more effective missile defenses so that we can assure our ability not only to project forces abroad to areas of regional conflict, but also to protect those forces once they have been deployed.

The amendment under consideration would diminish our ability to do so and, therefore, I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I ask the distinguished floor manager for 2 minutes.

Mr. SASSER. Mr. President, I am pleased to yield my friend from Arkansas 2 minutes.

Mr. BUMPERS. Mr. President, I do not want our colleagues to lose sight of what this debate is about. Every statement in opposition to this amendment has been that there is a threat. That is not the debate. Everybody agrees there is a threat. What we are debating about is how much is a logical amount of money, a sensible amount of money to spend to meet the threat?

The House is already at this level, $3 billion. So if you defeat the amendment and you go to conference with the House, you are sure—Senator NUNN would admit this—you are going to wind up with $3.2 billion. You are not talking about terminating a program. Goodness, get back on the debate. We are talking about a $4 trillion debt we are trying to bring under control and at the same time provide a defense for this Nation.

So, Mr. President, I have heard a lot of strange things this afternoon. I heard my distinguished friend from Idaho quoting Mr. Cooper and General Abrams, two of the former directors of SDIO—not terribly distinguished directors, I might add—come out with a report and say look what we got for our $30 billion.

I showed you on a chart a while ago what you got for the $30 billion. Nothing. Nothing. And those two men had the audacity to write a report and say the Soviet Union fell because of our SDI efforts. That reminds me of a guy who was born on third base and thinks he hit a triple.

The Soviet Union fell because Marxist economic theories and policies were fatally flawed. It fell because it was a lousy system. The last reason in the world it fell was because of SDI. Paul Nitze said we ought not go forward with this unless we can do this for less money than they can overwhelm it, and everybody knew the Soviet Union could overwhelm the SDI system for a lot less money than it was going to cost us to build it. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Does the Senator from Arkansas need additional time?

Mr. BUMPERS. No.

Mr. SASSER. Mr. President, in listening to this debate today, it is really

rather amusing. You would think we are here trying to delete all funding for the follow-on program to the strategic defense initiative—now we call it the ballistic missile defense, more or less the same program but we have changed the name.

Nothing could be further from the truth. What we are saying with the Sasser-Bumpers-Jeffords amendment is rather than providing $3.46 billion for the ballistic missile defense, or the SDI, we are going to provide $3 billion. We are simply going to save $400 million and spend $3 billion rather than $3.46 billion.

Our amendment will preserve all of the administration's ballistic missile defense priorities. They will not be changed at all. Our funding will be allocated among the various programs, just as the administration suggested when they sent their budget up here.

There is no allocation among the various programs in the defense bill before us today. The Armed Services Committee simply sends them a lump sum. There is no allocation among the various programs. We allow full funding of the administration's core theater missile defense programs. Bear in mind they now have 12 theater defense missile programs. What we are saying is we cannot fund all of those. DOD knows we cannot fund all of them.

Next year they are going to cut back on some of them. What we are saying here, this year, is let us save the money this year rather than next year when it will be gone. Let us go ahead and fund 8 of these theater missile defense programs rather than 12. Under the setup now, the Army has four separate theater missile defense programs—four. The Navy has two. The Air Force has two. The Marine Corps has one. We say, let us cut those 12 programs back to 8.

Where is this enormous threat we are hearing? Using Department of Defense information, we show you the current Third World country ballistic missile capability and the range of those missiles.

Look where they range into? They range into southern China, the south China seas; they range down into Africa, the Middle East, and into portions of southeastern Europe. No threats at all to the continental United States. No threats even to Western Europe. And you would think the barbarians were at the gates, to hear some of my colleagues talk here today.

Now, we are talking about saving $400 million. One of my colleagues said a moment ago there were 400 million words expended here just a few weeks ago along the lines of we have to cut spending and cut spending first. So we are going to give our colleagues who want to cut spending first an opportunity to make a modest cut in this whole SDI-TMD. It leaves the administration's priorities intact. It leaves the theater missile defense programs capable of funding 8 programs rather than the present 12. And what in the world does the Army need four separate theater missile defense programs for? They do not. They are going to be cut out next year. And we simply say let us save the money this year.

Mr. President, I ask unanimous consent that Senators LAUTENBERG, MATHEWS, WELLSTONE, and PRYOR be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, may I inquire how much time remains on our side?

The PRESIDING OFFICER. Six minutes and forty seconds.

Mr. SASSER. Mr. President, the distinguished junior Senator from Arkansas is in this Chamber and I will be pleased to yield him 5 minutes.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Tennessee for yielding to me. I am going to try not to use all of the time allocated through his generosity.

Mr. President, there has been an allegation that in 1984 certain tests relative to the SDI program were rigged and that deception was practiced. This afternoon, Secretary Aspin issued a statement—and let me say not a report, but a statement—which dealt with an article which appeared in the New York Times, August 27, 1993.

Mr. President, I have just concluded a meeting, a briefing with the Under Secretary for Acquisition, John Deutch, from the Pentagon. We had an hour and 15 minute meeting. There were seven or so Members of the Senate at this particular meeting. And let me say that what we are dealing with here I think, Mr. President, may be, according to some, an issue of semantics.But I want to move beyond semantics for just a moment and say what was the general impression that was left not only with the Congress but also with the general public in 1984.

Well, here is the general impression that caused us to believe that there had been a very successful missile test practiced, actually engaged in in 1984, and I read from Reuters June 11, 1984, on Monday. I quote:

> The United States has successfully destroyed a test missile outside the Earth's atmosphere with another missile for the first time, Defense Department officials said today.

That was the story, Mr. President, that led us to the belief that this program was working.

The principal Deputy Secretary of the Army a short time later said, "We tried to hit a bullet with a bullet and it worked."

However, Mr. President, we see an intervening situation that is brought to light by the New York Times in an interview with Maj. Gen. Eugene Fox, the Army Ballistic Missile Defense System Commander, who stated clearly:

> We heated it, the missile, because we wanted to see it. People can argue about that, and that's fair. That didn't mean we were trying to cheat. In the entire concept of this test, people would fault us. My point is we did what was a normal test event.

What General Fox was saying also, Mr. President, was that they had artificially heated this missile so it could be tracked easier and shot down with greater ease.

We look further in a 1993 September GAO report. When we come to the credibility of testing by the Pentagon in the SDI program, we find, Mr. President, that of seven tests that were made in the SDI program the General Accounting Office in the September 1993 report indicates that four of the seven tests were inaccurate—not deceptive, Mr. President, inaccurate. What we are finding here is the Pentagon is like the student grading his or her own exam papers in these operational testing situations and we are going to have to certainly end that.

Mr. President, we are about to vote now on a huge authorization of some $3.5 billion for a program that is flawed, where the test results are tainted, and where the results of whatever this great experiment is are certainly held in question, and in fact some scientific quarters in absolute ridicule.

Mr. President, it is time to cut from this program, to step back from this program and to see how these dollars can be better used and certainly with a higher degree of priority. I salute my friend from Tennessee, Senator SASSER, and others who have been engaged for some number of years in trying to talk sense about this program.

I ask unanimous consent, Mr. President, that certain news articles relative to the flawed testing, and in some minds deceptive testing, which has been practiced with regard to these tests be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Reuters North European Service, June 11, 1984]

U.S. CONDUCTS FIRST SUCCESSFUL BALLISTIC MISSILE INTERCEPT

The United States has successfully destroyed a test missile outside the earth's atmosphere with another missile for the first time, Defence Department officials said today.

They said yesterday's successful interception of one missile by another followed three earlier failures.

Army Chief of Information Major General Lyle Barker told reporters: "This was the first known missile intercept not only for the United States but for the world."

The aim of the test, called "Homing overlay experiment" (HOE), is to develop a nonnuclear weapon able to knock down Soviet missiles outside the atmosphere—at least 95 KM (60 miles) above the earth, defence officials said.

Hoe research is part of President Reagan's strategic defence initiative or "Star Wars" effort to develop non-nuclear technology able to destroy incoming Soviet ballistic missiles.

Officials said this would save valuable time in case of an enemy attack because it would not require the Presidential approval necessary to launch a nuclear device.

Brigadier-General Eugene Fox, head of the Army ballistic missile defence systems command, told a news conference a dummy warhead was launched aboard a minuteman missile from Vandenberg Air Force Base, near Los Angeles.

The Hoe was lifted by a minuteman from Kwajalein Atoll, in the Pacific Ocean about 4,200 miles southwest of Los Angeles.

Using its infrared sensors and on-board computer, the Hoe manoeuvered itself to within seven or eight feet (just over two metres) of the dummy warhead and caught it in a metal net, Fox said.

Officials said 15 years ago there was another missile interception in space, but it was accidental. On that occasion the missile was controlled from the ground and not by computers within the projectile itself.

The U.S. announcement coincided with publication of an interview given by Soviet President Konstantin Chernenko, in which he called on the United States to start talks immediately on a ban on space weapons.

[From the New York Times, Aug. 27, 1993]

(By Tim Weiner)

WASHINGTON, August 26.—A retired general who helped oversee a disputed 1984 "Star Wars" test says the target missile in the test was artificially heated to make it a bigger target for a heat-seeking sensor on an interceptor missile, and thus easier to hit, but he denies that the action meant the test was rigged.

The retired Army major general, Eugene Fox, then the deputy program manager for the test, also denies that Congress had been misled about the experiment, in which the interceptor missile hit the target missile over the Pacific. the experiment was a crucial technological milestone for the fledging missile-defense program, which has been under attack by scientists and skeptics since its inception in 1983.

At the time of the test, Pentagon officials said it was proof that a missile should hit another missile in mid-flight. One former Secretary of Defense, Caspar W. Weinberger, said on Wednesday in a written response to questions on the subject that the test was intended to be "as realistic as possible."

But General Fox said in an interview on Wednesday that the artificial heating made the target 10 times more visible to the interceptor than an actual Soviet warhead would have been, citing an openly published report to Congress in 1988 on the test by the Office of Technology Assessment, an analytical branch of Congress.

"PEOPLE CAN ARGUE"

"Clearly, we heated it because we wanted to see it," he said. "People can argue about that and that's fair. That didn't mean that we were trying to cheat. In the entire concept of this test, people could fault us. My point is what we did was a normal test event." He said he was unsure whether the artificial heating was disclosed to Congress in 1984.

General Fox conceded it was possible, but unlikely, that something more was done to rig the test behind his back. Should something have happened around me?" he said. "Yes, that's obvious. But I don't think so. I think that test was done fairly."

General Fox said an explosive charge had also been placed on the target missile. "We put a charge on it so that if we just happened to nip it we could see it, and so that visual devices on the ground could see it, and so that usual devices on the ground could pick it up," he said. "It looked like a nuclear explosion."

John Pike, director of space policy at the Federation of American Scientists and a critic of the missile-defense program, said the general's description made it appear that "the test was rigged at least two different ways." He added, "The debate is now not whether the test was rigged, but how it was rigged."

WHO MADE ACCUSATIONS

The veterans of the missile-defense program who brought their test-rigging assertions to Congressional investigators this summer said the 1984 test was manipulated when the target missile was equipped with electronic devices that helped the interceptor locate and destroy it. General Fox said he knew of no such device.

These officials also said the manipulation of "Star Wars" tests was part of a deception campaign, intended to fool the Soviet Union, that overstepped its bounds and wound up misleading Congress about the progress of the missile-defense program.

The charges, first reported in The New York Times last week, outraged senior members of the Reagan Administration, who saw the accusations as a partisan political attack by Democrats in Congress.

Mr. Weinberger called the charges fairy tales. He said nothing was done to deceive the Congress or the Soviets about the program or the disputed test. Mr. Weinberger also said that comments he made last week about the frequent use of deception programs by the Pentagon were not meant to confirm the existence of any deception program connected with the Strategic Defense Initiative, or the suggest that the disputed test had been deceptive.

WEINBERGER'S STATEMENT

"The test was not enhanced in any way," Mr. Weinberger said in his written response. "Various aspects of the test were designed to make it as realistic as possible given the fact that obviously an actual Soviet re-entry vehicle could not be used to test our interceptor."

The charges, brought to Senator David Pryor, an Arkansas Democrat and a critic of "Star Wars" contracting practices, led Secretary of Defense Les Aspin to order an investigation last week. On Wednesday, William J. Perry, the Deputy Defense Secretary, asked John M. Deutch, the Under Secretary of Defense for Acquisition and Technology, to write a report in time for Mr. Perry to "resolve the issue in the next two weeks," a Pentagon official said.

Senator Pryor asked the General Accounting Office, the investigative arm of Congress, to examine the charges three weeks ago. Both teams of investigators lack a crucial piece of evidence: the missiles used in the experiment, which destroyed one another in what appeared to be a scientific triumph.

NO EVIDENCE TO EXAMINE

"They are in pieces at the bottom of the ocean," General Fox said.

The goal of the $30 billion "Star Wars" program, which began in 1983, was to build systems that could shoot down an enemy's intercontinental ballistic missiles. After 10 years, it produced little in the way of a working system, although its defenders say it contributed significantly to the downfall of the Soviet Union by accelerating Soviet defense spending and thus damaging the Soviet economy.

In May, Mr. Aspin announced "the end of the 'Star Wars' era" and a scaling-back of the missile-defense program.

The accusation that the 1984 test's target and interceptor were "interactive," as one of the accusers put it, was a serious, though not unprecedented, challenge to the scientific integrity of the program. General Accounting Office investigations have confirmed past charges that military officials misled Congress about aspects of the missile defense program.

Last year, the General Accounting Office audited seven "Star Wars" tests conducted between 1990 and 1992. The auditors found that three of the tests were accurately described to Congress. Those three tests were complete or partial failures. The missile-defense program's officials told Congress the other four tests were successes. That was untrue, the auditors said.

WHAT AN INQUIRY FOUND

The inaccurate claims included the success rates of experiments, the progress of the programs, the sophistication of the tests, the ability of interceptor missiles to distinguish between a target and a decoy and the missiles' achievement of accuracy and altitude goals, the G.A.O. reported.

"They have lied about certain functions that their missiles are supposed to perform," said a Federal investigator who agreed to speak only if he was not identified. "They've used things to enhance the target. The fact is that you've got something up there solving your guidance problem. And you've got an incentive to deceive. That's how you keep you program going."

A former Reagan Administration official, a nuclear physicist who closely studied the missile-defense program in the 1980's said it was characterized by "secrecy, greed, self-deception, deception of the Congress and actually even of the President." The former official, who remains a Pentagon consultant and who spoke on condition of anonymity, is not among the accusers in the debate.

Other Reagan Administration officials and Pentagon documents confirm the existence of deception plans attached to the missile-defense program.

TOP-LEVEL MEMORANDUM

An April 1987 Joint Chiefs of Staff memorandum entitled "Special Plans Guidance—Strategic Defense," says the Pentagon should improve and update deception plans covering the missile-defense program's cost and abilities. The memorandum was distributed to the joint chiefs, their top commanders and the director of the National Security Agency, the nation's largest intelligence organization.

Mr. Weinberger said that to the best of his knowledge and memory there was no such program. He would not comment on the memorandum.

The question of whether Congress also was misled has been raised before. In March 1986, the trade journal Aviation Week and Space Technology, reported that the Pentagon had long standing disinformation programs covering the most expensive weapons programs, including "Star Wars." Quoting Defense Department officials, the journal said that the deception programs were intended to trick the Soviets but that disinformation might be transmitted to Congress.

It remains unclear whether anyone in Congress, including Mr. Aspin, chairman of the

House Armed Service Committee from 1985 to 1992, was informed of the overall deception program, or whether anyone in Congress was deceived by progress reports on the missile-defense initiative. Also unanswered is a question put to Mr. Aspin by Senator Pryor: whether "this disinformation campaign may have laid a faulty foundation for what ultimately became a $30 billion program.

[From the New York Times, Aug. 19, 1993]

THE STAR WARS HOAX

The revelation on yesterday's front page was enough to rouse even the most cynical student of official mendacity: at great cost, The Times' Tim Weiner reports, the Reagan Administration back in 1984 designed an elaborate deception to mislead the Soviet Union about the "Star Wars" space-based missile defense. The scheme deceived not only the Kremlin but Congress, defrauding the American people of billions of dollars that could have been spent on real defense and domestic programs.

By willfully misleading Congress about the system's capabilities, Pentagon officials did more than damage their own credibility; they may have committed a crime. Congress must call those responsible to account.

Acting on the authority of Defense Secretary Caspar Weinberger, Mr. Weiner reported, the Pentagon rigged a test and falsified other data to make the $30 billion program appear more successful than it was. The rigged test was a thing of devilish deviousness. After three failed attempts to hit a target missile with an interceptor, both the target and interceptor were fitted with electronic devices that made a direct hit all but inevitable.

This charade had two main objectives. One was to bamboozle the Soviet Union into spending billions of rubles it could ill afford on a space-based shield of its own. Mr. Weinberger told The Times that artful fraud is essential to warfare, even cold warfare. "You are always," he said, "trying to mislead your opponents." But in a letter to The Times yesterday, he denied that Star Wars had been used for that purpose.

He also denies that Congress was the other intended victim of this deception. But as one project scientist told The Times: "We would lose hundreds of millions of dollars in Congress if we didn't perform it [the test] successfully. It would be a catastrophe."

The rigging was done by transmitting a signal from the target missile to a receiver on the interceptor, in effect helping the interceptor to home in on the missile by broadcasting the equivalent of: "Here I am. Come get me."

Congress was not told the test had been rigged. It was also fed other phony data attesting to Star Wars' magical protective powers. These actions clearly crossed the line of normal Pentagon misrepresentation. They denied Congress the information it needed to exercise its constitutional authority over spending.

Congress would be foolish to allow that to happen again. To that end, it needs to summon Mr. Weinberger and anyone else it can lay its hands on to get to the bottom of the deceit.

But more than Congress' pride and authority is at stake. The whole history of Star Wars is now thrown into question. Millions of Americans are still walking around with the impression that Star Wars was designed to protect them. But to some of its original proponents, like President Reagan's national security adviser Robert McFarlane, Star Wars was always, from first to last, an elaborate ruse to induce the Soviets to divert money and manpower into space-based defenses.

Trouble was, the United States wasted billions as well. And it's not clear which side wasted more. Further, it deepened Soviet paranoia at a perilous moment in East-West relations.

But Star Wars critics were not fooled. Nor were the wisest of Soviet scientists. If the Americans wanted to waste billions on a will-of-the-wisp, Andrei Sakharov told President Gorbachev in 1987, Moscow should not follow suit; indeed, Mr. Sakharov said, Moscow could comfortably proceed with a Start arms reduction treaty making deep cuts in missiles.

Whether or not disinformation to deceive the Soviets was fair play in the game of nations, defrauding Congress was not.

[From the New York Times, Aug. 19, 1993]

ASPIN SAYS INQUIRY IS SET ON 1984 "STAR WARS" TEST

(By Tim Weiner)

WASHINGTON, August 18.—Secretary of Defense Les Aspin said today that the Pentagon would investigate reports that a Star Wars test was rigged and test results manipulated in 1984. But the Secretary of Defense at the time, Caspar W. Weinberger, and the officer who ran the experiment for the missile defense program each denied the accusations today.

Mr. Aspin said the accusations, made by four former Reagan Administration officials familiar with the strategic defense program, raised serious questions.

The accusations, reported in The New York Times today, involved charges that a Reagan Administration program to feed disinformation about the Star Wars program to the Soviet Union had overstepped its bounds and led to the manipulation of a key experiment in 1984.

According to the officials, who asked not to be identified, electronic beacons were placed on a target missile and an interceptor missile to insure that the interceptor could find its target.

In interviews today, the officer in charge of the 1984 experiment, Eugene Fox, a retired major general who commanded the Army's Ballistic Missile Defense Systems Command, said the beacons had been put on the interceptor and the target missile only for reasons of safety and prudence, not to rig the test.

General Fox said Star Wars researchers would have been questioned by critics of the experimental program had the beacons not been on board. Without the beacons, there would be a risk that the interceptor would go astray and miss the opportunity to obtain crucial test results, he said.

The beacons were also needed to insure that the interceptor's on-board sensors could detect the general location of the target, but did not provide a fool-proof method of guaranteed interception, he said.

He said there was no attempt to manipulate or misrepresent the test. He denied that Star Wars officials misled Congress and said he had no knowledge of a separate disinformation campaign connected with the Star Wars project.

Challenging the former officials' assertion that he had approved the overall deception program, Mr. Weinberger said today that he had not authorized such an effort aimed at fooling the Soviet Union about the missile defense program.

SOVIETS HAD DATA

Mr. Weinberger said: "The Soviets were perfectly well aware of most of what we were doing, and could read most of our data as well as we could read theirs. For that reason, the whole idea of a deception program seems to me is quite absurd."

The former Reagan Administration officials say deception teams were attached to all the Administration's important military programs to try to confuse and mislead the Soviet Union.

Mr. Weinberger also said that the Pentagon had informed him that "the test was not rigged, but was in fact successful as was reported to the public and the Congress on June 11, 1984."

The investigation announced by Mr. Aspin was prompted in part by a request from Senator David Pryor, Democrat of Arkansas, who has long been critical of the missile defense program.

In a letter sent and made public today, he asked the Pentagon to determine whether Congress had been deceived by Star Wars program managers and whether President Reagan or White House staff had known that inaccurate information was given to Congress by military officials or contractors.

The Senator said the Government Accounting Office, the investigative arm of Congress, was already investigating the accusations.

PROGRAM CRITICIZED

Mr. Pryor said in his letter that a Pentagon program described to him was a "disinformation campaign that may have led laid a faulty foundation for a $30 billion program."

In May, Mr. Aspin significantly scaled back the 10-year-old, $30 billion missile defense program, formally known as the Strategic Defense Initiative, and announced the end of the Star Wars era.

[From The Washington Post, Aug. 19, 1993]

PENTAGON TO PROBE MISSILE TEST ALLEGATIONS

(By Andrew Brownstein and R. Jeffrey Smith)

The Defense Department said yesterday it would investigate new allegations that the Reagan administration deliberately falsified the results of an early test of technology for a ballistic missile defense system.

The allegations center on a space experiment in 1984 that military officials said at the time had demonstrated a Soviet nuclear warhead potentially could be destroyed in flight by a non-nuclear weapon before the warhead reached the United States.

The notion that the United States could shield itself against a Soviet nuclear attack was the animating goal of the Strategic Defense Initiative, or "Star Wars" program, set up in 1983. The Reagan administration's claims of a successful warhead interception in the 1984 test figured prominently in its effort to persuade Congress that billions of dollars should be spent to develop more advanced weapons to destroy Soviet warheads.

The program, which so far has cost $30 billion, never produced a viable weapon for defending against a missile attack against the United States.

Early this year, the Defense Department scaled back the program, emphasizing instead the development of a defense against limited attack by tactical, or short-range, missiles.

The allegations about the 1984 test have come from several former defense officials, who recently told congressional staff members that the test results were misrepresented by the Army Ballistic Missile Defense Command.

The Army conducted the test, launching a large interceptor from Kwajalein Island in the Pacific Ocean to attempt destruction of a mock Soviet warhead aboard a Minuteman I missile fired from Vandenberg Air Force Base in California.

The former defense officials have charged that what the Army billed as a successful intercept actually was rigged to ensure it would not fail, the staff members said.

A former Army official involved in the test has denied the allegations, but Secretary of Defense Les Aspin said in a statement yesterday that "any allegation that the Congress has been misled raises serious questions."

Aspin said Deputy Secretary of Defense William J. Perry will conduct an inquiry into how the 1984 test was conducted and "how it was reported to Congress."

Sen. David Pryor (D-Ark.), whose staff members have interviewed some of the former defense officials who are making the allegations, requested that the General Accounting Office probe the allegations in a letter he sent Aug. 5. Pryor told Aspin in a letter yesterday that if the allegations are true, "congressional and public confidence in DOD [Department of Defense] test results would be nonexistent."

One of the former defense officials has claimed that the scientists who conducted the 1984 test secretly placed equipment aboard the mock warhead so that the interceptor could home in on it without difficulty.

When the interceptor subsequently collided with the target, it produced the spectacular explosion that the Pentagon had sought, a congressional aide said he was told.

Another former defense official gave a slightly different account to the congressional staff. He told them, and repeated in a recent interview with The Washington Post, that he understood the scientists involved had purposely detonated explosives placed aboard the interceptor to simulate a direct collision with the warhead, which he said may have never occurred.

Neither of these two officials was directly involved in the test preparations, and both have declined to be named.

An article in yesterday's editions of the New York Times said at least four Reagan administration officials had alleged the 1984 test was rigged.

Eugene-Fox, who was a brigadier general with the Ballistic Missile Defense Command in Huntsville, Ala., in 1984, said in an interview that "as far as I was concerned . . . nothing was done that could be interpreted as fuzzing up or falsifying the results."

[From the Associated Press]

ARMY GENERAL DISPUTES REPORT OF RIGGED ANTI-MISSILE TEST

(By Robert Burns)

WASHINGTON.—The officer who ran an Army anti-missile defense experiment in 1984 denied a published report Wednesday that the test was faked and that the deception was meant to mislead Congress about the project's viability.

Eugene Fox, a retired major general who was commander of the Army's Ballistic Missile Defense Systems Command at the time of the test, said in an interview that the experiment was done June 10, 1984, with complete scientific integrity.

Nonetheless, a critic of the Pentagon's missile defense programs, Sen. David Pryor, D-Ark., asked Defense Secretary Les Aspin to investigate the charges to determine whether Congress was deceived about the program's scientific progress.

Aspin was a House member at the time of the allegedly rigged test.

Pryor asked Aspin to determine what role was played by former President Reagan, defense contractors and Pentagon officials in providing inaccurate information to Congress on the tests and whether any federal laws were violated.

"If these latest allegations are true, congressional and public confidence in (Pentagon) test results would be nonexistent," Pryor wrote in a letter to Aspin.

Aspin issued a brief statement saying the allegations raise "serious questions" and that he had instructed his chief deputy to investigate the facts surrounding the test flight and how it was reported to Congress.

In its report, The New York Times said four former Reagan administration officials told it that the test was rigged as part of a disinformation campaign to persuade the Soviets to spend billions of dollars to counter the U.S. progress in developing an anti-missile defense system, which came to be called Star Wars.

The four officials were not identified by name.

The Times said Pentagon officials also wanted to ensure continued congressional support for the program, which was begun before Reagan made his March 1983 "Star Wars" speech that gave birth later to the Strategic Defense Initiative.

The test in question was called the Army's Homing Overlay Experiment. It was a test of whether an interceptor rocket fired from the ground could use an on-board infrared sensor to guide itself into the path of a ballistic missile warhead in space.

A two-stage rocket carrying the interceptor was fired from the Army's Kwajalein missile test range in the south Pacific, and the target missile carrying a dummy warhead was launched from Vandenberg Air Force Base, Calif. The interceptor hit the warhead, marking the first such intercept in history.

The Times report said U.S. scientists rigged the target missile with a beacon and put a receiver on board the interceptor. "The target was talking to the missile, saying: 'Here I am. Come get me,'" the Times quoted an unidentified scientist as saying.

Asked about this, Fox said there was no receiver on board to interceptor, so there was no way the interceptor could communicate directly with the target.

Fox said the main point of the experiment was to see if the on-board infrared sensor could correctly guide the interceptor in the final stages of its flight not to prove that the interceptor itself could find its target from the moment of launch.

"We would have been beaten over the head and shoulders" by critics for wasting taxpayers money if no beacons had been used and the interceptor had flown along a path that did not enable it to test the on-board infrared sensors, Fox said.

Fox said the beacon system was used in three prior tests of the interceptor. In each of those cases, the interceptor missed the target because of what the Pentagon described in 1984 as sensor, electronics and computer malfunctions.

"We didn't do anything to keep any information from the Congress," Fox said, adding that he had no knowledge of a disinformation campaign related to the missile defense project.

STAR WARS TEST-RIGGING RILES ARKANSAS SENATOR

"It's one thing to deceive the Soviets." Sen. David Pryor, D. Ark, said in an interview Thursday. "But it's another thing to deceive Congress to get funds for a system that is not working."

Pryor on Wednesday asked Defense Secretary Les Aspin to investigate allegations that Star Wars tests were rigged in 1984 and false reports were given to Congress about the program.

Four former Reagan administration officials said in The New York Times on Wednesday that the same deceptive information used to persuade the Soviets to spend tens of billions of dollars on military development was also given to members of Congress.

The false data helped persuade Congress to spend more money on strategic defense, the former Reagan officials said.

"It was so easy to deceive the Soviets, they said Let's deceive Congress and get more money. It sounds crazy but that's the way it was working." Pryor said.

Costs for the Strategic Defense Initiative, as the program is formally known, have totaled $30 billion in 10 years, Pryor said.

This year, Star Wars officials are seeking $4 billion in funding, he said.

"The president has indicated he supports continuing the program, but I hope it will not continue. I never thought that it should have begun at all," Pryor said.

Pryor, a member of the Senate Governmental Affairs Committee, said he had been suspicious of Star Wars because the same contractors kept getting the contracts for the program, many without competition.

Several months ago, Pryor said, he asked investigators to study contractors who repeatedly were awarded government work.

Through those efforts, several people started talking to the investigators about the alleged deception, he said.

In a letter sent to Aspin on Wednesday, Pryor asked if any statutes or Department of Defense regulations regarding notification to Congress were violated, whether President Reagan or White House staff members knew the Defense Department was providing inaccurate information to Congress, and whether contractors who worked on the ballistic missile program were aware of the disinformation campaign.

Aspin said Wednesday that the Pentagon will investigate reports that a Star Wars test was rigged and test results manipulated.

Pryor said Thursday that he had not received any reaction from Aspin on his specific requests.

[August 20, 1993]

STAR WARS: SCANDAL AND COUP?

(By Stephen S. Rosenfeld)

Concerned legislators are gravely pursuing allegations that the Pentagon faked a missile test in 1984 in order to persuade Congress to spend billions on President Reagan's favored "Star Wars" defense against Soviet missile attack.

Well, yes, deceiving Congress is serious business, and it has to be pursued. But there is another allegation also to pursue: that the first purpose of this "disinformation" operation was to panic the Soviets into spending tens of billions, in an effort doomed by their technological and economic weaknesses, to counter the American drive for a space-based anti-nuclear shield.

If the first allegation about deceiving Congress is true, we are in the presence of a large scandal. If the second allegation about deceiving the Kremlin is true, we are in the presence of a great Cold War scan and, conceivably, an immense success of American policy. Both these possibilities may have

some truth. If further disclosure bears them out, we would face an intriguing dilemma characteristic of the Cold War time: whether figuratively to spurn a great international benefit because it was obtained by means regarded as disreputable at home.

Behind the hint of misconduct—vigorously denied by Reagan Defense Secretary Caspar Weinberger—lies the hint that Weinberger and his Pentagon team took a huge risk and won a huge prize.

An immediate risk was that a phoney intercept would sweep the United States into false confidence and an imprudent investment in Star Wars. A larger risk was that in pretending that an American nonnuclear missile could hit a Soviet nuclear missile in space, the United States would be playing to Soviet paranoia, cranking up the arms race and providing Soviet hard-liners with fresh evidence of American hostility and aggressiveness.

Nobody who paid attention during that period will forget Moscow's resentment and rage over Star Wars, extreme even by Cold War standards. But it also happened that as the Soviets moved to counter the American program with their own, they put an unbearable extra load on their technology and their budget. Their economy and then their whole society began to collapse. Out went Leonid Brezhnev. In came Mikhail Gorbachev. The rest is the chapter of history called The End of the Cold War.

The Reaganites are not—not yet, anyway—making the grandiose claim that they set a trap for the Kremlin, and it worked; Weinberger, for one, denies all. The truth aside, they seem to be locked in by considerations of secrecy and discretion, although these are hardly unbreakable. Moreover, the claim may not be justified, or fully justified, since many other weights were pressing; not just a single missile test and the Star Wars program but Reagan's whole hard-line foreign policy, including ideological, political and military challenge around the world.

Nor is the hard-line view the only one that must be considered. There is another, moderate school; President Clinton's Soviet adviser, Strobe Talbott, was a leader of it in his previous incarnation as a Time magazine editor. This school believes that more important in hastening the demise of Soviet communism were (1) the ways the reform impulse was playing out in the public and private realms of Soviet society and (2) the opportunities for conciliation and accommodation that the West was opening up at the same time.

Reagan himself was a hard-liner in the sense that he thought the Soviet regime was economically, politically and morally close to buckling. (Moderates, rejecting the premise of imminent Soviet/communist vulnerability, thought it could muddle through.) Still, Reagan does not seem one to launch Star Wars, or to fake a missile test, simply as a gambit to suck the Kremlin into futile, draining expenditures on its own missile defense. He was a true believer—in space-based nonnuclear defense and then in the abolition of all nuclear arms.

In 1962—permit a digression—I was in a group that interviewed then-Kremlin leader Nikita Khrushchev. He took the occasion to boast that the Soviet Union was building a missile to "hit a fly in space." He was wrong; never did the Kremlin accomplish that feat. But it was a revealing illustration, or so I later thought, of Soviet aspirations and apprehensions alike. In 1984 it might not have been farfetched for Americans to imagine they could impress a new crop of soviet leaders by "hitting a fly in space."

[From Time, Aug. 30, 1993]

THE PLOY THAT FELL TO EARTH

STAR WARS SUFFERS ANOTHER BLOW WITH CHARGES THAT AN ANTIMISSILE TEST WAS FAKED

(By Bruce Van Voorst)

One night in June 1984, a test ICBM soared up from Vandenberg Air Force Base in California. Thousands of miles away in the middle of the Pacific, another rocket was launched on Kwajalein Island. It contained an infrared sensor powerful enough to detect heat from a human body 1,000 miles away. Closing at 15,000 m.p.h., the rocket locked onto the ICBM, intercepting it in midflight and destroying it by sheer physical impact. So devastating was the hit that the remaining shards of the ICBM's warhead measured less than an inch across.

Pentagon officials were ecstatic about the results of the $300 million test. It was, declared one official, like "hitting a bullet with a bullet." Moreover, it was proof of the potential of Ronald Reagan's Strategic Defense Initiative. It seemed to signal an important first step in building a high-tech astro-shield against nuclear-tipped ballistic missiles from the Soviet Union. A Wall Street Journal editorial proclaimed, "Star Wars Works."

But did it? Last week a report in the New York Times alleged that the test was a fraud and that the results had been rigged. While that may have served as part of a cold war strategy to deceive the Soviets into spending their way into oblivion to counter SDI, similar misinformation was provided to Congress to persuade it to fund the program with huge sums—$31 billion to date. Clearly stung, Defense Secretary Les Aspin, a former Congressman, ordered an internal investigation at the Pentagon. Said he: "Any allegation that the Congress has been misled raises serious questions." Said Senator David Pryor, whose long-standing probe of SDI seems to have triggered the revelations: "It could totally discredit the testing process and the credibility of the Pentagon."

Sources apparently within the SDI program told the Times hat the 1984 launchings did not prove the efficacy of the heatseeking infrared sensor. Rather, the target ICBM carried a beacon that guided the interceptor rocket toward a set-up collision. Officials involved with the test have vigorously defended the test results. Said General Eugene Fox, the retired Army missile-defense chief: "We didn't gimmick anything." William Inglis, the experiment's civilian test director, dismissed the accusations of an SDI hoax as "technical nonsense." There was indeed a beacon, but, said Inglis, it served only for "range safety" purposes, allowing ground crews to destroy the ICBM if it went off course.

Inglis admitted to Time, however, that some aspects of the test might have enhanced the results and made it easier for the interceptor to find its target. The warhead, for example, was preheated before launch to 100°F to provide a clearer infrared signature. The target warhead also carried explosives to increase the detonation and thus assist ground observations. Said a congressional staff member: "Either could have served to skew the tests."

While SDI's supporters, including the Reagan Administration officials, strenuously deny that the 1984 results were falsified, they all concede that deceptive practices are normal in statecraft. During the '80s a "perception management" program run by the CIA handled a disinformation operation aimed at deceiving the Soviets about U.S. technological research. Among the programs it had a hand in was SDI. A draft of a classified Defense guidance document from that period clearly toes the spend-Moscow-into-the-ground line and reads, "We should seek to open up new areas of military competition and obsolesce previous Soviet investment or employ sophisticated strategic deception options to achieve this end." A former official told Time, "A lot of time and money has been spent on this." It may have worked. Last year the Russian ambassador to the U.S., Vladimir Lukin, told Robert McFarlane, Reagan's National Security Adviser, that fear of competing with the U.S. in strategic defense "accelerated the Gorbachev revolution by five years."

Gimmicking military-weapons tests is nothing new at the Pentagon. In the mid-1980s congressional investigators determined that aircraft were exploded by remote ground control within seconds of each firing from the Sergeant York antiaircraft gun and that it never actually hit the drone planes. In operational tests of the Bradley Fighting Vehicle, ammunition in the turret was replaced with cans of water to douse fires and lower the level of explosions when the vehicle was hit.

The current controversy has cast further doubts on the SDI program, which even in this time of declining defense budgets is still slated for $3 billion in 1995. "This is a body blow to the integrity of everyone who worked on SDI," said Frank Gaffney, director of the Washington-based Center for Security Policy and a diehard Star Warrior. Caspar Weinberger, Reagan's Secretary of Defense, insists that "the test was scientifically based, did succeed and was accurately reported to the Congress and the American public." But he said there may be no overcoming the new allegations: "Once these fairy tales are out, they are picked up as gospel truth by editorial writers and never corrected."

Yet SDI has always been something of a fairy tale. In 1983 scientist Edward Teller, father of the hydrogen bomb, promised Reagan that nuclear-generated X rays would destroy warheads. It was a claim accepted by few in the scientific community and has long since proved false. Other SDI-related technologies—directed energy, chemical lasers, neutron beams—have turned out to be useless. Last May, Aspin conceded that the decade-long SDI program produced no credible defense against ICBMs. He renamed SDI—focused now on threats from mid-range rockets like the Scud—the Ballistic Missile Defense program. It was, said Aspin, "the end of the Star Wars era." True enough, but not the end of Ballistic Missile Defense, which will cost taxpayers a projected $40 billion more over the next six years.

FUN AND GAMES WITH THE KGB

As the Pentagon supposedly tried to deceive the Soviets with rigged Star Wars tests in the sky, the FBI attempted to fool the KGB on the ground—sometimes with comic contortions. In his new book, "The FBI" (Pocket Books), Ronald Kessler, a former investigative reporter for the Washington Post, tells of an operation against a Washington-based KGB officer who was trying to recruit a Pentagon employee. As the Soviet official slept, FBI agents stole his car to plant a bug in it. To avoid suspicion, they put an identical car in the official's parking space overnight. They also made sure that the replacement odometer's mileage read exactly the same as that of the real car. Meanwhile, the KGB car's odometer was temporarily removed to keep it from registering

miles the Soviet would not be able to account for. Within three hours, the FBI was done and the cars were switched again. In the bugged car were a microphone and a tape recorder, which would be activated when the Soviet agent got into the driver's seat. What would the FBI do if the machine ran out of tape? An agent would walk up to the car, undo the taillight reflector, and replace the tape every few days. However, no arrests were made because the KGB's Pentagon target never responded to the Soviet's overtures.

Kessler also details another elaborate plan, in which high-tech devices were planted in the headrests of KGB cars. These would trigger sensors at specific intersections in Washington, allowing the bureau to keep track of KGB movements without recourse to machines that required replacement tapes or batteries. One car did not have a headrest, so agents planted the device in the glove compartment. When the car was brought in for a regular inspection, KGB mechanics found the bug and quickly inspected other vehicles for similar spy paraphernalia. By then the FBI had infiltrated 20 cars. The KGB removed every single bit of buggery. According to Kessler, the cost to the U.S. was in the hundreds of thousands of dollars.

The most explosive contention of Kessler's book is that in the U.S. hundreds of Americans, perhaps more than a thousand, worked for the KGB during the last years of the cold war. The FBI's source was a highly credible former KGB employee. Writes Kessler: "The break came just when FBI counterintelligence officials had concluded rather smugly that the end of the cold war had brought no great surprises about the degree to which the KGB had penetrated American secrets." He adds, "So specific was the information that the FBI was quickly able to establish the source's credibility." Among the spies, says Kessler, were "military men who had had top-secret information and officials of other agencies." The cases, he writes, are "enough to keep [the FBI's intelligence division] busy into the next century."

Sources familiar with the case have told Time that the former Soviet informant, who used to work for the first directorate of the KGB, defected about a year ago. But they say Kessler's figures are "highly exaggerated." The defector did have access to hundreds of names, but they included both Americans and non-Americans and were drawn from both KGB and Warsaw Pact files. More important, the great majority were innocent contacts. Only about a dozen cases of suspected espionage originating with this particular defector are being investigated by the FBI.

Mr. PRYOR. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute twenty-five seconds.

Mr. SASSER. How much time is remaining on the other side?

The PRESIDING OFFICER. Three minutes twenty-eight seconds.

Mr. SASSER. Mr. President, I yield 1 minute to the distinguished Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I spoke earlier about what I regarded as waste in the history of this program, to the effect that the program is basically flawed. I would like to conclude, Mr. President, by speaking to those who are true believers in the Star Wars program but who also want to cut and want to do the responsible thing.

To them, Mr. President, I would say that a $400 million cut—$400 million and change—as proposed in the Sasser amendment is a responsible cut because it still allows the program to go forward in a very robust way.

Mr. President, this is not a mature program, ready for funding. This is an R&D program where there is still 12 competing technologies, none of which have yet been chosen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSTON. The $400 million is a responsible cut.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Three minutes and thirty-eight seconds.

Mr. NUNN. Mr. President, I yield a minute to the Senator from New Hampshire and a minute to the Senator from Utah.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I thank the Chair. I thank the Senator for yielding.

Mr. President, people often remark that if anything is for certain in this world it is death and taxes. Well, as today has proven yet again, there is another item to add to this list. Whenever the defense bill comes to the floor, our colleagues from Tennessee, Arkansas, and Louisiana are sure to offer an amendment to gut the missile defense program. It seems as if its almost an involuntary reflex. It happens every year regardless of the threat environment and regardless of how much has already been cut from the program.

As my colleagues know, I have consistently supported the missile defense program. At the height of the cold war, I believed in and actively supported the robust missile defense program advocated by President Reagan. As events in the world changed, the Warsaw Pact fell, and the Soviet threat began to recede, I supported President Bush's initiative to provide a scaled down global protection against limited strikes. Two years ago, I joined with Senator NUNN and my colleagues on the Armed Services Committee in formulating the Missile Defense Act of 1991, which represented an historic consensus on both the need for, and architecture of a ballistic missile defense program.

My support for the program was based on a careful assessment of the threats to our security, and what type of force would be required to defend against this threat.

What is so ironic about this year's chapter in the continuing war against the missile defense program is that the proponents of this amendment are relying upon the same outdated cold war rhetoric that they have been using for 10 years, while the supporters of missile defenses are basing their votes on today's threat and national security needs. The fact is the missile defense program and its operational requirements have evolved over time because of the changed threat. But my friend from Tennessee and his colleagues seem lost in the cold war, bent on opposing a program that no longer exists in the form they remember. My friends continue to recycle the same flawed and outdated arguments they have been using for years, even though those arguments have no relevance to the program we are pursuing today.

Mr. President, I urge the Senate to reject the amendment before us to cut $400 million from the missile defense program. The threat confronting U.S. forces abroad and our citizens at home is real, and it is growing. Our servicemen and women need this missile defense. We must not allow the missile defense program to be randomly slashed without any regard to the national security implications of such action. The Constitution requires that we provide for the common defense. The American people demand no less.

I thank the Senator for yielding the time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I was listening to the Senator from North Dakota, Mr. DORGAN, talk about cutting spending first, attacking this program. And he made a lot of sense in saying this is a weapons system that we do not need. If it, indeed, were a weapons system, I might be somewhat in sympathy with him. But I rise to make the point of my perspective in this circumstance, and I put it in a historical context.

There was a time in our history when people were fooling around with airplanes and they were told airplanes are fine for reconnaissance, airplanes are fine for communications but obviously they will never be a weapon.

Well, today we are told as we discuss SDI, SDI is fine for communications.

SDI is fine for surveillance. But we must not consider ever taking the step to make space a form of a weapon.

I believe this is a logical thing to do because of the long-term historical implications, and we must stay with it.

Mr. NUNN. Mr. President, I reserve the remainder of my time.

Mr. SASSER. Mr. President, what we are offering today is a responsible amendment. We are offering to reduce funding for the SDI by a reasonable amount that leaves the administration's programs intact. For those of our colleagues who want to vote for cuts, this is their first opportunity to vote for cuts since the recess. Let us see who wants to cut and let us see who does not.

Mr. NUNN. Mr. President, I yield 20 seconds to the Senator from Idaho and 20 seconds to the Senator from Virginia.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that a letter from Dave Montague, president, missile systems division, Lockheed Missiles & Space Co. be printed in the RECORD.

Also, in reference to the report that was written by General Abramson and Ambassador Cooper, I simply quoted the Soviet chief of staff, the foreign minister and the Russian Ambassador to the United States. These are not my conclusions but the statements of the Soviets and Russians.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LOCKHEED MISSILES & SPACE COMPANY, INC.,
Sunnyvale, CA, September 3, 1993.

HOWELL RAINES,
Editorial Page Editor, New York Times, New York, NY.

To the EDITOR: On August 18, the New York Times published an article by Tim Weiner, in which he reported allegations made by four unnamed Reagan administration officials that a strategic defense related test conducted in June of 1984 was faked to mislead the Soviets and the U.S. Congress. The following day, a Times editorial appeared in which the allegations of these unnamed sources were accepted without question as fact. The program itself was not named in the initial article or the editorial, but it is clear from the description of the program and the picture accompanying the article that the allegations are aimed at the Army's Homing Overlay Experiment (HOE) initiated in 1978.

I was responsible for the HOE program at Lockheed, the prime contractor to the Army for the experiments. The allegations about the 1984 test at Kwajalein reported in the 18 August New York Times article, and presented as fact on the next day's editorial page, are false.

There was no misrepresentation of test results to Congress or anyone else on any of the four HOE flights. The flight tests, while experimental, were planned and conducted with high fidelity to an operational intercept of a hostile warhead. The fourth and final flight, which was the subject of the allegations printed in the Times, resulted in a direct hit after the interceptor had acquired, tracked and homed in on the target using its infrared optical sensor. There was diagnostic instrumentation, including RF range tracking beacons, on the test target and the interceptor, as there had been on the three previous tests. However, there was no equipment on the HOE interceptor which could have detected or taken advantage of such a beacon.

In a subsequent article (August 27), the Times finds a sinister motive in the fact that the target was artificially heated before launch. The Times reported that the purpose of this heating was to make the target more visible to the heat-seeking sensor, and thus easier to hit. The facts: all four HOE flight test targets were preheated to 100 degrees Fahrenheit on the launch pad. The purpose of the pre-launch heating was to assure a known initial temperature for the target, which was subject to long delays at the launch pad in the cold night air at Vandenberg AFB. At the time of target acquisition by the interceptor, all four HOE target vehicles were within three degrees of a nearly identical, but not preheated, target flown and observed on a previous U.S. Army program. This has been confirmed by telemetry data from the HOE tests, which shows that the added temperature dissipated rapidly during flight. The difference in visibility to the HOE sensor caused by the pre-heating was negligible.

One might ask why it is so difficult for self-styled critics to accept that this test program actually achieved the success reported by the Army. I am proud to be one of more than 700 dedicated professional men and women in the U.S. Army Strategic Defense Command and industry who know the truth of their success, a fact which cannot be altered even by the Times. While those of us who know the facts of the HOE flight tests have tried to avoid public comment on the allegations during the Defense Department investigation that they have spawned, the Times and the scientific experts it quotes have made that impossible. The DoD investigation will examine the Homing Overlay Experiment results; I trust that the Times and their unnamed sources are willing to place their allegations under the same scrutiny.

If there has been an attempt to deceive Congress about the HOE program results, it occurred not high above the atmosphere in June of 1984, but in August of 1993 under the venerable masthead of the New York Times.

DAVE MONTAGUE,
President, Missile Systems Division.

Mr. WARNER. Mr. President, the Senator from Arkansas also stated that, after $30 billion has been spent, we have nothing to show for it. The Senator is not correct.

For one thing, we now know how to do missile defense. Through 9 years of research we have found the strength and weaknesses of different candidates for missile defense. We know what will work, what it will cost, and how long it will take. Furthermore, we have started down the road to deploy the upgraded Patriot capability in 1998 and the first really effective theater missile defense in 2002. These are good, hard dates—but only if Congress funds the budget request.

For another thing, SDI research has given us a treasure trove of technical achievements. The Senator from Arkansas said nothing about all the contributions to technology that would not be here without SDI. Let me give some examples from the excellent report by General Abrahamson and Ambassador Cooper to which reference was made by the Senator from Idaho.

With a $40 million investment in diamond film technology since 1986, SDIO is singularly responsible for fostering a new US industry with the potential of a multi-billion-dollar global market after the end of this century.

SDIO investments in sensors and detectors have produced major improvements. In particular, large (256256) pixel arrays carrying over 65,000 individual photodetectors are now manufacturable * * * Over the past eight years the cost per pixel has been reduced by a factor of 20 (and in some cases 100)—and there are prospects for another order-of-magnitude cost reduction.

Inertial measurement units (IMU's) that weighed over 5 pounds and cost about $100,000 a copy will shortly be replaced with more accurate SDI-developed IMU's that cost about $5,000 a copy and weigh ¼ pound—in a hardened configuration.

Representative of these advantages is the late-1980s state of the art Advanced Liquid Axial Stage (ALAS) axial engine (being used in, for example, the Lightweight Exo-atmospheric Projectile (LEAP) program, which is less than 1/10 the weight of the 1970's vintage technologies—with a corresponding reduction in cost. In addition, recent miniature divert propulsion motors fabricated by SDI-funded rocket scientists are 35 percent smaller than their late 1980's predecessors and also permit a 30 percent reduction in total weight since smaller amounts of higher performance fuels can be used.

Solar cells from SDI research are increasing the efficiency of photovoltaic systems from around 10 percent, where it had hovered for years, to over thirty percent * * *.

SDIO has documented 97 commercial products which have emerged directly from its technology programs, 26 patents granted for commercial applications of SDI technology, 19 new spin-off companies founded to commercialize new products based on SDI technology * * *.

Mr. President, I submit that this is a record of solid accomplishment. We got our money's worth.

Mr. LAUTENBERG. Mr. President, I am pleased to be a cosponsor of this amendment to reduce funding for the SDI Program. I urge my colleagues to support this amendment.

The amendment will reduce funding for the SDI Program by $400 million. That is a $400 million victory of the American taxpayers.

This is a prudent amendment. It saves $400 million for the American people without undermining national security. It still provides a significant level of funding for the program to enable the administration to move forward with the modified SDI Program. Importantly, the level of funding provided in this amendment will allow for growth in theater missile defense programs, the new focus of the administration's SDI Program. The amendment protects funding for other aspects of the program as well.

The end of the cold war has provided us with a historic opportunity to review our defense spending priorities and realize significant savings. The threat to our national security from a missile attack has been reduced significantly. And scientists shot down the viability of the original, vastly more expensive space-based interceptor program years ago.

Over the years, we have spent tens of billions of dollars on the SDI Program. And now we find out that critical tests for the program were reportedly rigged so the flawed system would pass. Some say that these rigged tests were designed to fool our Soviet opponents. This may be an expensive and cruel hoax on the American taxpayer.

Mr. President, reducing funding for the SDI Program by a modest $400 million is the least we should do. Frankly,

we should cut even more. I have consistently supported amendments to cut funding from this program in the past. But this amendment to cut $400 million from the program is, nevertheless, an important step.

Mr. President, the American people have sent a message that by now should have come through loud and clear: cut the spending, set priorities and do not waste our tax dollars. The Senate should heed the call of the American people and support this amendment.

Mr. DODD. Mr. President, for over 40 years our Nation has lived with the threat of a full-scale thermonuclear war. Thankfully, with the demise of the former Soviet Union, much of that immediate threat no longer exists. But while global changes have certainly diminished the possibility of a single agressor attack, we must not forget that other, albeit less capable, threats remain.

The conflict in the gulf is ample evidence that any agressor with even moderate ballistic capability can inflict enormous damage to our troops during times of conflict. Clearly, a method of defense from this type of threat is necessary, if not required.

And as the Secretary Defense has briefed this Congress, the spread of ballistic missile technology remains one of the greatest challenges to the future defense of our Nation. Despite our efforts to limit the proliferation of both weapons and delivery systems, nation States seeking these types of offensive weapons are rapidly increasing. We have a responsibility to protect ourselves from these developing threats. And that is what is really at stake here.

So the issue is how do we provide for that defense in light of the changes in the global threat scenario? The answer to that question has been provided by the administration and the Secretary of Defense, despite claims to the contrary.

The administration has proposed spending $18 billion over the next 5 years on the development of ballistic missile defense systems. Of that, $12 billion will be spent on theater missile defense [TMD]. The remaining $3 billion will be spent on research-oriented long-range missile defense. This proposal represents a $21 billion savings from the Bush administration's proposals.

In addition to these savings, the Senate Armed Services Committee has recommended a further reduction from $3.8 billion for fiscal 1994 to $3.46 billion. This expenditure represents a responsible authorization level with which we can actively seek the development of a capable theater missile defense system, while continuing to engage in cost-effective research on future systems. I believe that any further reduction would endanger the effectiveness of this program and jeopardize our ability to develop systems that we need to adequately defend our troops against missile attacks.

I agree with my colleagues who say the elaborate and costly strategic defense initiative that the Reagan and Bush administrations envisioned is no longer needed. In fact theentire concept of a strategic defense initiative or SDI is gone and those who continue to use that terminology have missed the boat on what is really at issue here. We are not talking about SDI, or Brilliant Pebbles, or any of the other theoretical programs of previous administrations.

Instead, this administration has reviewed this technology and the entire ballistic missile technology base. And for the first time in our history, we are ready to move on proven technology here today—not testing theories of tomorrow.

I can not stress this point strongly enough. While the threat of an intercontinental attack has clearly subsided, U.S. allies, friends, and our troops abroad continue to live with the danger of short-range missile strikes. Theater missile defense systems need to be a top priority as we address our military needs for this changing global atmosphere.

Throughout my career, I have consistently supported programs that prudently and responsibly provide a strong return on the money invested. In the past I have opposed space-based missile defense systems because I believed that the military value and technologies such programs anticipated were not worth their expected costs. The current administration's proposal however, represents a fundamental change in our previous policies. Our Nation's military leaders have prepared a comprehensive review that fully addresses our military requirements for the future. A crucial part of this plan is an effective theater missile defense system and I support its development.

I therefore urge my colleagues to reject the amendment to reduce funding for the Ballistic Missile Defense Program.

Mr. SHELBY. Mr. President, I rise in strong opposition to the amendment offered by Senator SASSER which would reduce funding for ballistic missile defense funding by $400 million. This amendment would seriously inhibit any opportunity for the United States to proceed with the development of a system to protect American citizens from an intercontinental ballistic missile attack and undermine the Missile Defense Act of 1991.

The Armed Services Committee has been in the forefront in providing leadership on this issue since the inception of the strategic defense initiative. We have been working for the past 4 years, starting with an amendment that Senator BINGAMAN and I sponsored and reaching fruition in the Missile Defense Act, to move ballistic missile defense away from a space-based system and to a ground-based system.

In the bill, the Armed Services Committee has removed the last vestige of space-based system, Brilliant Eyes, out of ballistic missile defense and fashioned a program which now has two major elements—theater missile defense and limited defense. We have also reduced ballistic missile defense funding by an undistributed reduction of $300 million. The Armed Services Committee also reduced theater missile defense funding by $112 million and limited defense funding by $140 million to accommodate the transfer of the Brilliant Eyes Program. We chose to provide the undistributed reduction to the Ballistic Missile Defense Program to give the Secretary of Defense and the Director of the Ballistic Missile Defense Organization leeway in making these cuts. This resulted in a funding level of $3.2 billion for ballistic missile defense. It is a level that is supported by the Secretary of Defense and is consistent with funding levels that have been reported in the bottom-up review.

Mr. President, the threat from ballistic missiles is even more dangerous than ever before because of an ever expanding number of counties are developing or buying missiles. Just a few weeks ago, the CIA announced that North Korea has tested a new theater missile, capable of threatening the entire Far Eastern region with both nuclear and chemical warhead attacks. The CIA Director, Jim Woolsey, had previously warned that several additional nations may have the capability to launch missile attacks against the United States by the end of the decade. This is not a time when we should further cut our Ballistic Missile Defense Program.

Mr. President, I urge my colleagues to defeat the Pryor amendment and all other amendments to cut ballistic missile defense funding.

Mr. FEINGOLD. Mr. President, I am proud to be a cosponsor of the Sasser amendment to S. 1298 to limit the amount available for ballistic missile defense programs, to eliminate Brilliant Eyes, and to allocate the total amount among the ballistic missile defense programs in fiscal year 1994. I want to thank Senator SASSER for this initiative, as well as Senator BUMPERS for his bill introduced earlier this year to limit the SDI Program to $2 billion.

I am troubled by the $3.8 billion authorization in the bill for the Ballistic Missile Defense Program, formerly known as the strategic defense initiative. I am troubled that in a year when we are cutting many programs and raising taxes we have not reduced funding from last year of this controversial program. Quite frankly, I am troubled by the billions of dollars that have been wasted on this boondoggle. Finally, I am troubled by the impact that

the deployment of BMD will have on international relations.

Today there is no threat to our national security which merits $3.8 billion in BMD funding. The Soviet Union has collapsed. The successor states are focusing on repairing and rebuilding their own economies. They cannot afford the ballistic missile systems discussed here today, nor have they demonstrated any inclination to do so. What do we gain by threatening them? Genuine, lasting security is achieved through mutual limits on our nuclear arsenals, not threats and demands.

It is indeed ironic—if not downright hypocritical—that as we sign major strategic arms control agreements with Russia, Kazakhstan, Ukraine, and Belarus; as we give lip service to nuclear nonproliferation throughout the world; as we focus on deficit reduction for the sake of our national security, we are shoveling out $3.8 billion more, after shelling out $3.8 billion last year, $4.1 billion the year before, and billions of dollars in the past decade for SDI. This budget continues at the same levels, but the intercontinental ballistic missile threat to our national security is diminishing. This strategic defense system whose time has come and gone is a robbery of the precious U.S. Treasury.

This year in this body we have debated extensively cuts in several Federal programs. Defenders of the status quo seem to win consistently. But with the number we are authorizing here today, Mr. President, I hope that we will have more success with this debate.

Mr. President, after $32 billion and 10 years of research, an electronic dome protecting the Nation is still an elusive idea. Brilliant Eyes is even more obscure. We have no guarantee that these systems would add anything to our strategic stability. In fact, we do know that they could even tinge the golden opportunities for peace which are before us today, and sap our national coffers.

For these reasons—for the sake of deficit reduction and the interests of the post-cold-war era I urge my colleagues to support the Sasser amendment to reduce spending on SDI, and eliminate Brilliant Eyes.

Mr. NUNN. Mr. President, in a very few seconds that I have remaining, let me again repeat the letter is on everyone's desk from Mr. Tony Lake, the assistant to the President, speaking for the President.

In addition, the amendment specifies no more than 48 percent of the funds in this bill for BMD could be spent on theater defenses. This restriction is inconsistent with the restructured BMD program resulting from the bottom-up review. Under the bottom-up review, 67 percent of the funds allocated to BMD will go to theater defense.

Mr. President, this amendment is opposed by the Secretary of Defense. It is opposed by the National Security Adviser. I want no one to make any mistake about it. If you vote for this amendment, you are voting to cut the Patriot system, you are voting to cut the ERINT system, you are voting to cut the Arrow system, the THAAD system, and the standard missile system. All of them are important theater defense systems. That is the vote that we will be making.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote "nay."

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—50

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Grassley	Mitchell
Boxer	Harkin	Moseley-Braun
Bradley	Hatfield	Moynihan
Breaux	Hollings	Murray
Bumpers	Jeffords	Pell
Byrd	Johnston	Pryor
Campbell	Kassebaum	Reid
Chafee	Kennedy	Riegle
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dorgan	Lautenberg	Simon
Durenberger	Leahy	Wellstone
Feingold	Levin	Wofford
Feinstein	Mathews	

NAYS—48

Bennett	Domenici	Mack
Bingaman	Exon	McCain
Bond	Faircloth	McConnell
Boren	Gorton	Nickles
Brown	Graham	Nunn
Bryan	Gramm	Packwood
Burns	Gregg	Pressler
Coats	Hatch	Robb
Cochran	Heflin	Roth
Cohen	Helms	Shelby
Coverdell	Hutchison	Simpson
Craig	Inouye	Smith
D'Amato	Kempthorne	Specter
Danforth	Lieberman	Stevens
Dodd	Lott	Thurmond
Dole	Lugar	Warner

NOT VOTING—2

Murkowski	Wallop

So, the amendment (No. 785) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BYRD be permitted to offer, for himself, and for Senators MITCHELL, DOLE, NUNN, WARNER, MCCAIN, LEVIN, SIMON, and others, a second-degree amendment to his amendment No. 782; that there be a time limitation of 100 minutes for debate on the amendment controlled as follows: 30 minutes under the control of Senator MITCHELL, 30 minutes under the control of Senator DOLE, 30 minutes under the control of Senator BYRD, and 10 minutes under the control of Senator SPECTER; that immediately upon the disposition of that amendment, the Senate vote, without any intervening action or debate, on amendment No. 782, as amended, if amended.

Mr. DECONCINI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask the manager of the bill. I am trying to get on the list of amendments. I wonder if there is objection that my amendment follow that with a time limit of 1 hour.

Mr. NUNN. I say to my friend from Arizona, I do not control the amendments. We do not have any unanimous-consent agreement as to where we will go after the Byrd amendment is dealt with. So it is whoever gets the floor. I would prefer to continue to deal with the SDI or ballistic missile defense program until we complete all amendments on that. I think that is the logical way to proceed.

Senator PRYOR had hoped to get an amendment up, which I hope he will get up next because I think it is just logical for us to continue the debate until we complete this subject. But I do not control the floor and it is whoever gets the floor. My preference as floor manager would be to complete the BMD type of amendments before we turn to other amendments. But that is beyond my power.

Mr. DECONCINI. Mr. President, if the leader will yield, there is no intent to hold up the manager's effort to do SDI. I have been ready since yesterday to come forward with an amendment with a time limit of 1 hour and was assured then I would get in the mix here.

In place thereof, the Senator from West Virginia offered his amendment, the Senator from California, Senator BOXER, offered her amendment, and, of course, the SDI amendment was offered. And I want to be in the course here. It does not have to be the next amendment. I would like some consideration of the manager.

I appreciate that the majority leader does not control the floor. The reality is, if the manager wants the amendment to be next, he can ask for unanimous consent. Apparently some are granted. I am still interested in getting

on that list. It does not have to be the next one, but I am interested in getting it heard.

Mr. NUNN. Could I ask my friend from Arizona if it would be satisfactory to him if we agreed to do everything we could, as soon as we finish the ballistic missile amendments, to have his amendment next in order.

Mr. DECONCINI. That would be fine.

Mr. NUNN. I am not sure how many of those amendments we have.

Mr. DECONCINI. It does not have to be immediately, but I would like some assurance on it.

Mr. NUNN. I would be glad to work with the Senator from Arizona.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. DECONCINI. Mr. President, I ask whether or not the minority could respond to what the manager of the bill said.

Mr. DOLE. I do not think we have any problem, depending on whether we have a time agreement and where you take the money from.

Mr. DECONCINI. Let me assure the leader, I am not asking for unanimous consent to approve it. You may want to debate it or take the money from someplace else. But I would like to have some assurance from the Senator from Arizona or somebody, at least that they would work with the chairman of the bill to get the amendment up.

Mr. DOLE. We have no problem with that.

Mr. DECONCINI. After we do the SDI amendments.

Mr. DOLE. We are happy to agree with that.

Mr. NUNN. I thank the Senator.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. MITCHELL. Mr. President, awaiting the arrival of the Senator from West Virginia, who I understood was prepared to proceed, I will, for the moment, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if we may have order in the Senate.

Mr. President, I call to the attention of my colleagues the following AP Wire story which as just appeared on the ticker:

MOGADISHU, SOMALIA.—American Cobra helicopters fired into a crowd of Somali women and children Thursday in what the United Nations claimed was a "last-resort" effort to save its embattled peacekeepers from a mob.

Nearby residents said the street was littered with the bodies of as many as 100 Somalis.

The shooting, according to a U.N. spokesman, was a response to an assault by Somalia militiamen that killed a Pakistani soldier and wounded three Americans and two Pakistanis.

The peacekeepers came under fire from heavy weapons as they cleared roadblocks from the notorious 21 October Road and were trying to withdraw when they were surrounded by a mob that contained Somali gunmen, Maj. David Stockwell said.

"We saw all the people swarming on the vehicles as combatants," said Stockwell, the chief U.N. military spokesman. "This was not done lightly. This was a last-ditch, last-resort effort to save the troops.

"We've seen this before," he said. "If they reach our soldiers they tear them limb from limb."

Stockwell blamed the attack on the forces of fugitive warlord Mohamed Farrah Aidid, wanted by the United Nations for a series of assaults that have killed 48 peacekeepers and wounded more than 175 since May.

Stockwell said he had no information on the number of Somalis killed or wounded, but told reporters, "What I am acknowledging is that if you go out there tomorrow, you may find some women and children casualties."

The report of scores of Somalis killed could not be independently confirmed. But Stockwell acknowledged that U.N. troops and tanks, armored personnel carriers and helicopters used "heavy casualty-producing weapons" in defending themselves.

So these are not popguns and they are not shooting paper bullets. That is editorial comment.

The clash came as the U.S. Senate debates whether to push for an end to America's Somalia involvement, which was initiated to ensure delivery of humanitarian aid and restore stability to the east African nation stricken by drought, famine and anarchy. More than 350,000 Somalis died in 1992.

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, said today that U.S. troops should stay in Somalia "for the foreseeable future" to ensure the success of the U.N. operation there and to preserve America's credibility.

That is the entire AP wire.

Mr. President, while I am reading wire stories I will read a September 5, 1993—this past Sunday—article from the London Times:

The United Nations has been paying Mohamed Farah Aideed, the fugitive Somali warlord, more than $100,000 a month even while he has been hunted by UN troops and engaged in a terrorist war against them.

The money was paid by UN agencies in Mogadishu, supposedly for the hire of gunmen loyal to Aideed who would provide security for aid convoys. In fact, since the Americans landed in Somalia last December, the gunmen have escorted no convoys and are kept on the payroll only out of fear of retribution.

Peter Schumann, the UN development programme's chief in Somalia, admitted yesterday that much of the money would have gone straight to Aideed, but that the agencies had little choice but to pay the protection money: if they had stopped, they would have been attacked. "It was extortion, pure and simple," he said.

Even when Aideed was declared a wanted person by UN forces in June, after his gunmen massacred Pakistani troops, the payments continued. This was despite the fact that UN officials knew the money was almost certainly going straight to the warlord, helping to sustain his survival and attacks on UN and American military targets. More than 30 UN soldiers have been killed by Aideed's men.

The payments were only stopped last week after pressure grew within the UN. Accountants were also asking why such huge sums of money were being paid for no return.

Sources in Mogadishu said Unicef, the UN children's agency, had been paying at least $40,000 a month for non-existent security to an Aideed lieutenant, known as "Mad Abd". The development programme was paying $10,000 a month; other agencies were meeting similar demands. Schumann said the agencies had repeatedly asked for military help in cutting off the payments. They had asked Admiral Jonathan Howe, head of the UN operation in Somalia, to give them a letter authorising the ending of the payments, and warning of UN military reprisals should there be any revenge attacks. Schumann said, however, that the request was refused.

"We have been battling for months to end this nonsense," he said. "We needed to act collectively, but Unisom (the UN force in Somalia) seemed scared of the repercussions. In the end, we decided last week to go it alone and not make any more payments. We are still waiting to see what will happen."

A UN military official conceded yesterday that they had been aware of the continuing payments to Aideed gunmen, but had decided that to end them would have sparked trouble. "It would have been like opening a second front," he said.

The scandal over the financing of Aideed is likely to inflame tension between the American military and UN in Somalia. Relations were already strained following last week's bungled raid by American Ranger troops to capture Aideed, during which several UN officials were tied up and detained.

Yesterday, American military sources in Mogadishu were furious that Aideed had been sustained financially by the UN while its troops were under attack and trying to capture him on the UN's behalf. "It's almost beyond belief," one said.

An American intelligence source claimed that UN agencies were still helping Aideed by securing lucrative UN contracts for known Aideed supporters and by renting houses owned by his senior lieutenant. The Americans had now forced the UN to set up a committee to review all of its contracts. "The UN has given Aideed too much," said the source, "we have to cut him off."

Schumann yesterday rejected the allegations, saying that the development programme had refused to sign a contract with a man it knew to be close to the warlord. "We are not into paying Aideed. This should all have been sorted out a long time ago. That's what we wanted, but the military did not seem interested."

Mr. President, what I have read in these two wires strains the imagination. What we are talking about here are two catastrophes. One, in which women and children have been killed by U.N. helicopter gunships. Is that why our U.S. forces are over there? Is that why they are in Somalia?

There are going to be a lot of questions asked now. One of the questions is going to be: Why is Congress not speaking up? Why is it not doing something? Why is it not taking a position? What has to happen before we shake

the consciences of our representatives in Congress?

And the other catastrophe is this preposterous action on the part of the U.N. in paying this clan leader who has blood on his hands, the blood of Americans and Pakistanis and others. Thirty percent of that U.N. money is ours, 30 percent of it. How do the American people feel about that? Paying this clan leader? I understand that there are 14 of such tribes and clan leaders there.

And we have been trying to capture one warlord, and all the while, he has been on the payroll of the United Nations and the American people have been footing 30 percent of the bill. We are trying to track him down. He kills our people and 30 percent of the money that is going to him, to hire him, comes out of the American taxpayers' pockets. This is just the beginning—just the beginning.

Now where are those who say that, if we do thus and so, we will keep the President from keeping our commitments; we will be creating a paper tiger; we will be going back on our commitments.

This Congress, to my knowledge, has never entered into any commitment and, under the Constitution, the Congress is not bound to fund any such commitment by any President. It is a disgrace. There is a question of separation of powers involved here. That is what I have been saying all along.

I hope that Senators, when they renew their oaths if and when theyare reelected, as I hope to be reelected and intend to take that oath again, but I think we shall all review our high school lessons about the separation of powers and understand that we are being elected to a body that is a part of the legislative branch and that there is, indeed, a constitutional system of separation of powers, and checks and balances, and the Constitution is not to be treated lightly when we take an oath before God and man to support and defend it.

Montesquieu said that when it came to an oath, the Romans were the most religious people in the world, and that it formed the nerve of their military discipline. We ought to stop taking our oaths lightly. Let's not pretend that this is not a separation of powers matter. That is exactly what it is.

I say that these shocking news reports ought to shake the consciences of those who would advocate that we stay in Somalia and that the Senate stay out of this matter, as though it is not the Senate's business. "This is our President's business; he has made a commitment; what will we do to the image of the United States if we go back on our commitment?"

No Senator has gone on record by voting any commitment for the course we are now pursuing in Somalia, and under the Constitution, Congress is not bound to uphold any such commitment by any President—not until it votes to do so. And we have run from the issue up to this point. We have preferred to be left out of tough decisions. All we have to do is to look at a bit of Roman history and see exactly where we are going.

In the late summer of 29 B.C., Octavian came back to Rome after the Battle of Actium in 31 B.C. The Roman senate gratefully—gratefully, gratefully—ceded its powers to Octavian. It was glad to cede its powers to someone who would plan and take responsibility and lead, because the Roman senate had lost its will to make hard decisions. It had lost its will to lead. It had lost its nerve. It had lost its way.

What did Octavian do? One of the first things he did was to revise the membership of the senate and eliminate about 200 of the more disreputable senators, and when he had eliminated them, he replaced them with someone who would bend to his will. The senate lost its independence, and that marked the end of the Roman Empire.

On the 13th day of January 27 B.C., Octavian appeared before the purged senate. He proclaimed the restoration of the republic, and he dramatically offered to surrender his powers to the senate and to the Roman people. He expressed the desire at 35 years of age to retire to private life.

What was the response of the Roman senate? It was overwhelmed by this noble gesture, and so it countered his offer of abdication with its own abdication—its own abdication—and implored Octavian to continue his guidance of the Roman state. "Please, continue your guidance. Here are all your powers, Octavian." The Senate gladly gave up its responsibility to plan and to take responsibility and to lead.

What else did it do? Three days later, on the 16th of January 27 B.C., it conferred upon Octavian the title of Augustus, which did not convey any additional powers, in itself, but it was an epithet that was applicable to the gods and to all things holy. It was well adapted to his exalted position, and this exalted connotation and religious association made Augustus larger than life and worthy of veneration as a sacred being.

What else did the Senate do? It gave him the title of Imperator.

What else happened? In 23 B.C., Augustus appeared before the Senate, and he reached a new arrangement or understanding with the Senate. His powers at home and abroad were vastly increased. He was given complete control over the purse, and he acquired appellate jurisdiction, so that the habit of "appealing under Caesar" gradually established the Imperial Court of Appeal as a regular part of the constitution. He was master of the legions, and as the master of the legions, he was their paymaster. And whose work are you going to do? You are going to do the work of him who pays you.

And the Senate—note this—the Senate gave to Augustus the authority to conclude treaties with foreign nations without submitting them to the Senate or to the people for ratification. Lock, stock and barrel, gave it all to him. "Whoopee, we don't have any responsibilities anymore; free as a little bird. Let someone else lead." That is what happened twenty centuries ago in Rome.

I could say more. There is no need to at this point, I think. I have no doubt that there are some Members of the Senate who would just as willingly give to a President of the United States the complete authority to conclude treaties with foreign nations without submitting them to this Senate or to the people for ratification, just as the Roman Senate did under Augustus.

There are some Senators here who appear to think that the President should have the power of the purse; and that our constitutional framers did not know what they were doing when they lodged the power in the legislative branch. Share it with the President of the United States, they would say. We do not want to step up to the plate and vote on the tough issues. Let him do it. Give him the treaty-making power. Give him the power of the purse.

Now, that is what we are talking about here. Thank God that our framers had the vision and also had the guidance of Montesquieu and had the guidance of the history of the Roman and the English struggles so that they, indeed, included in the U.S. Constitution the separation of powers and checks and balances by which not one of the three separate branches of Government can enhance its own position at the expense of the others.

Fie on Senators, fie! Stand up there at the desk and take the oath. I have given the oath of office many times at that Presiding Officer's desk to some Senators who appear at times to completely disregard the Constitution of the United States. When it comes to the line-item veto, when it comes to shifting the power of the purse to the President, they are ready, for partisan reasons or some other reasons, to disregard the Constitution. They apparently do not even bother to read it. And in spite of what it says and in spite of what the framers themselves said at the various State Constitutional Conventions, some of my colleagues, at times, apparently chose to look the other way.

Well, that is what this is all about, Mr. President——the Senate's role in the resort to military force. It is a separation of powers matter, and the legislative branch is not to be ignored.

I am gratified by the spirited debate we have conducted thus far on United States policy in Somalia. Many important issues have been raised and the Congress is fulfilling one of its most critical roles in exercising its responsibilities regarding issues of war and peace.

I note that the President yesterday acknowledged clearly the important role of Congress in authorizing the potential deployment of United States military personnel as peacekeepers in Bosnia. United States involvement in Bosnia is a far more serious matter and far more risk-filled than our involvement in Somalia. And congressional support for any action there is absolutely critical for the President and the Nation. So I am glad the President has thought about this on yesterday. It is time to think about it, and it is time to seek the support of the Congress.

This is a branch that is not going to be ignored by any administration as long as this Senator can breathe and stand on his feet. Whether he stands on his feet or not, it does not make any difference—as long as he can speak and has a clear mind.

As I said yesterday, I anticipated there would be other amendments on this issue and some that might be better than mine. The compromise amendment that has emerged contains many commendable elements. I do not say it is better than my amendment. But I have thought about it a lot, and for several reasons I am pleased to sponsor it as a substitute to my original amendment.

Basically, it asks the President to outline for the Congress his goals and objectives for the mission in Somalia and the anticipated duration of that mission. Then it provides that the President seek congressional authorization for his plan and that the Congress act on his request by November 15, 1993.

These elements capture the essence of my concerns and ensure, or ought to ensure and had better ensure an active role for the Congress. This does not set a time certain for the withdrawal of United States troops from Somalia. That can come later. U.S. participation ends if the Congress fails to specifically authorize our continued involvement there.

Of course, we know U.S. participation can end anytime the Congress in its wisdom wishes to cut off the funds. That should be clear to anybody who can read and understand the Constitution—Congress can just cut off the funds.

If the Congress fails to specifically authorize our continued involvement there, U.S. participation ends. This is not a deadline unless one believes that the President cannot win the approval of Congress for continuing our involvement.

To those who have been critical of the amendment in the first degree because they maintain that it creates a deadline, it only creates a deadline if one thinks that the President cannot win. If he cannot win the approval of Congress, then it is a deadline. So it is a tacit admission that there is a real doubt as to whether or not the President can win that approval. If such an authorization cannot be gained, then I would suggest we should be packing up and bringing home our troops on the next flight.

It does not sound to me like they are creating an environment that is very stable there when our own people go out and have to kill over 100 women and children, if the AP story is accurate.

We should not continue to leave our troops under nightly shelling by mobs, in danger of being attacked by mobs, whichwill make it necessary for them, in attempting to defend themselves, to kill women and children.

We should not continue to leave our troops under nightly shelling in Mogadishu simply because no on here in the legislative branch is willing to address the issue.

The Congress has already been voting on U.N. peacekeeping missions with its pocketbook. I think our views have already been expressed by the reluctance to find the funding for our overdue peacekeeping bills.

In June, I attempted, at the behest of this administration, to secure funding for $293 million on the supplemental bill in order to pay our overdue peacekeeping bill to the United Nations. Was I successful? I failed in my attempt. And some of those who have been critical of my pending amendment here were in that conference. They were there as members of the Appropriations Committee. They know that there was no support for that, very little support to pay our bills. Yet, those bills are continuing to accumulate every day. That bill has now increased to $372 million.

In October, the U.N. Security Council will vote to extend the U.N. operation in Somalia. There will be a bill for that, as well. And the United States will be committed to pay one-third of that bill—one-third. I do not know how large that bill will be, but it will be added to our already overdue amount, our debt to the United Nations.

We must be prepared to harness our desire to participate or support peacekeeping operations around the world to the commitment to pay for those operations. I have not yet seen that team of horses hitched together in this debate.

In Somalia, we are dealing with two situations: United States troops under the U.N. command, and United States troops that are not under U.N. command. In Somalia, the United States troops that are under United States command—that is the Quick Reaction Force and the Rangers; they are not under the U.N. command—are paid for by the Defense Department, not the United Nations.

I hope that members of the Armed Services Committee realize this and that members of the Appropriations Subcommittee for Defense on the Appropriations Committee realize it. It is coming out of the Defense Department funds.

Although the cost of our troops operating under U.N. command are included in offsets to our U.N. bill, the Department of Defense indirectly absorbs some of these costs as well. Many here claim that the defense budget is too tight. Let them focus on the fact that that same reduced defense budget is partially paying for U.N. costs in Somalia.

This amendment asks that the administration define our mission and that the Congress approve that mission if we are going to continue with the deployment of American troops there. So it gives Members a chance to put their money where their mouth is. If they think this is a commitment, if they think Congress ought to honor such commitment, if they think that to do otherwise would make the United States appear to be a "paper tiger," then let them vote for the money. Let them focus, I say, on the fact that that same reduced defense budget is partially paying for U.N. costs.

The amendment asks that the administration define the mission, tell us what it is, and that the Congress approve that mission. We have already overstayed our original mission. We completed it. It is done. Nobody objected to that mission. That resolution passed the Senate by unanimous consent, not a single objection. Nobody objected. We saw the pictures of the starving children and mothers, old men and women on television on the news every evening. Nobody objected to that. That is the American way, to be charitable, to be the Good Samaritan. That is what we did. No objection. We fed starving people. That is what we were told we were going to do. That is done. That is over.

We overtayed our original mission, which was to "provide a secure environment for humanitarian relief," whatever that is. We were told it was to feed the starving. We did that. That was accomplished when we handed off our mission to the United Nations in May. If it was not finished, why did we hand it over to them? We handed it over to the United Nations in May. What was left of the emergency feeding operation finally ended in August. The harvest has been good. So much food is available in Somalia now that some farmers have contemplated not even harvesting their crops because the prices are so low, according to an administration official. Somalia is even exporting some food. So I think that the humanitarian mission is over.

The Quick Reaction Force remained behind in May to support the transition to a U.N. force, but it was not intended to take over the function of an international FBI in Somalia, hunting down fugitive warlords.

While Congress was in recess, the Washington Post, on Saturday, August

28, carried this story with the headline: "Aspin Lists U.S. Goals in Somalia. Troop Pullout Hinges on Three Conditions; No Timetable Is Set", by John Lancaster, Washington Post staff writer.

I now read:

Defense Secretary Les Aspin said yesterday that the U.S. combat troops will stay in Somalia until calm has returned to its capital, "real progress" has been made in disarming rival clans, and "credible police forces" are up and running in major cities.

Not just in Mogadishu, in major cities.

In a speech here, Aspin offered the most specific explanation yet of the Clinton administration's decision to step up military operations against fugitive warlord Mohamed Farah Aideed, whose forces have been waging war on U.S. and other foreign troops in the capital of Mogadishu.

He avoided any discussion of a withdrawal timetable, emphasizing that the decision to bring home the troops would depend on their effectiveness in achieving the goals he described.

"When these three conditions are met * * * then I believe the U.S. quick-reaction force can come back," Aspin said in what he termed the "endgame" of U.S. involvement in Somalia.

What right does any administration official have to lay down three criteria and say that when these are achieved, when these three conditions are met—in other words calm is returned to the capital, real progress has been made in disarming rival gangs, and credible police forces are up and running in major cities—when these three conditions are met, then "I believe the U.S. quick-reaction force can come home?"

Who said so? Whose commitment is that? To those who are saying we ought to "keep our commitment," whose commitment is that? Who up here on this Hill agreed to that, if those are the three criteria, and that when they have been achieved, and only then can we bring our boys home? When did Congress agree to these criteria as the prerequisites for our withdrawal from Somalia?

Is Congress going to be considered in this equation? Is it a player? Are we just going to roll over and play dead? No administration official—and I have great respect for Les Aspin. I respect his intent. He is a former Member of the other body, and I am sure he knows that there are three branches of this Government and that this branch controls the purse strings, and that it ought to be in on the takeoff as well as on the landing. Nobody cleared that, to my knowledge, with Congress. Congress has not bought onto these three criteria.

Clearly, this is an expanded mission in a hostile environment. If we have ears to hear the wire that was read, we ought to know that this is a hostile environment. An expanded mission in a hostile environment should be voted on by this Chamber. And the administration had better learn that. This Chamber is not going to be shunted aside and ignored. We are an equal partner because we represent the people. The President is not elected directly by the people. He is elected by electors, for those who have not read the Constitution lately. The distinguished Senator from Wisconsin, who is sitting in that chair presiding right now, is elected by the people of the State of Wisconsin.

The Senator from Maine, sitting to my right, is elected by the people of Maine. And the people had better be on board, else we will see the same thing that we saw happen in Vietnam and in Lebanon.

Have we forgotten that we are not above the people, and that the people's representatives are sent here to reflect the feelings of the people who are going to have to pay out in their hard-earned silver and gold, their treasure, and in the blood of their sons, grandsons and granddaughters?

Some have argued that if we leave Somalia, U.S. leadership is at stake. What leadership? Have we forgotten that there is a legislative branch?

(Mr. KERRY assumed the Chair.)

Mr. BYRD. They say this is a precedent that we do not want to set, but congressional support for policies of war and peace are critical to sound leadership. The Nation has to row this boat with two oars. Neither can go it alone. We all know what happens when one tries to row a boat with one oar. The Senator from Maine, I will bet, knows that. It goes in circles; it goes nowhere. It may even go backward. It can also sink.

Without a policy of gaining congressional approval and support for any such peacekeeping operation, U.S. leadership and U.S. Presidents are more, not less, vulnerable to abrupt swings in public support. Lebanon is just one example where public support for our troop deployment there collapsed—collapsed—after the October 23, 1983, bombing that resulted in the deaths of 241 American Marines.

I am not a Johnny-come-lately on this matter. I offered an amendment on that issue, also, seeking to limit the authorization for that deployment to 6 months. My amendment was tabled, so I have been defeated before. What passed was an authorization of an 18-month extension of our deployment there, and all but two Democrats voted against it. What passed was an authorization that was an 18-month extension of our deployment there, which passed some 24 days prior to the bombing. Even if my amendment had been adopted, it would not have saved our marines, because I was saying reduce the 18 months to 6. That was not enough.

Peacekeeping operations under chapter 7 of the U.N. Charter in hostile environments constitute a dark road, unlit by experience. No President should want to travel that dark road alone.

We have heard here on this floor in this debate that we have to support this or that deployment, because we have to support our troops, and their morale will plunge if we criticize the action. Why, there is no end to this. There is no logical outcome for that argument except to just continue. If the administration puts in more troops, we cannot take them out because we would destroy the morale of those who are there. So put in more. Well, we cannot take them out. We would make our Nation look like a "paper tiger."

Mr. President, that argument is a set-up to excuse any chief executive, without reference to the need to build consensus, to gain the support of the Congress, and to promote a policy of the country at large. It is a sham argument, because it puts the real vulnerability of our troops and the need to support them in a cart without a horse. Let us put the horse of consensus in front of the cart of policy.

This is fundamental in American operations abroad. When we put the credibility and reputation and good name of the United States on the line, we had better be sure that all of the parties have signed up; and we better be sure that the Appropriations Committees in both houses are willing to pay the bill.

It is great to stand up here and make these bold speeches on how we ought to keep our commitments, and then renege on paying our bills.

Originally, the mission and duration of U.S. involvement in Somalia was linked to ensuring a secure environment for humanitarian relief, although "secure environment" was never defined. We took for granted that the words meant that we have to get through there and feed those starving people. So we did it.

As of last December, we thought it meant protecting the ships, trucks and planes delivering food and humanitarian supplies, preventing those supplies from being looted, and making sure the people could be fed. Now it seems to mean "calm" in Mogadishu, "disarming warlords," and "establishing a countrywide police force."

We cannot even disarm the warlords in this city of Washington, D.C. It is a joke. We cannot even establish calm in our own Capital. Those who believe we can, I suggest that they take a walk down any of the streets two blocks away from this Capitol, alone, tonight. It is a joke to talk about establishing calm and disarming the warlords in Somalia. How do we disarm the drug dealers in the District of Columbia and the young men who carry guns, even the kids who are carrying guns—10, 11, 12 years old—to school in this city. We don't seem to be able to disarm them here in our own backyard.

It is an expansive, rubberized, one-size-fits-all term now covering everything from food to helicopter raids. I

think we should avoid this phrase—"secure environment"—unless we define it very carefully. By continuing to use this phrase, we leave a hole that the administration can drive an 18-wheeler through.

I think it is clear that the compromise amendment asks the President for a clearly defined mission and an anticipated duration of the mission. Let the administration do that. Then the Congress needs to vote on whether to authorize such a mission. Congress has that role, and Congress has that duty under the Constitution. We have the responsibility on behalf of our own people, and we are going to face up to it one way or another.

This substitute amendment reflects the need for a limited mission and benchmarks for withdrawal, for an endgame. I wish it were more than a sense-of-the-Senate resolution; a sense-of-the-Senate resolution is not legally binding. We all know that. But I, for one, am taking at face value the statements that are in this amendment, and statements, as I understand them around here, I am taking them at face value—namely, that Congress is going to vote after that report comes up.

And the administration had better take it at face value and send up that report if it intends to continue on its current course in Somalia.

So we are not just doing something today to get us out of this current pickle. I am not buying onto that. We are not just coming up with this compromise, so-called compromise, amendment just so this bill can pass tonight or tomorrow, and we can then go home for the weekend. I am not on that train. That train is not going to leave my station.

I am on the amendment and expressing good faith, and I expect everybody else also to deal in good faith. If they do not, if the good Lord lets me live, we will hear some echoes and repercussions.

I am not going to put my name on this, as I am doing, and just then forget about it, and laugh, and say, "Well, we got rid of that. That is enough. I saw my name in the headlines this morning, so it is good enough for me."

That is not good enough.

We should think and believe that this is more than a sense-of-the-Senate amendment and that it represents a significant step forward for this Congress, and that it has garnered broad support.

Some of my colleagues want to vote on my original amendment. But I am willing to accept in good faith what other people say in what will pass here today. I am willing to let the administration have a little more time, let it have a chance to send up a report, let it justify what it requests, and then let the Congress stop running away from this. Let the Congress stop being ignored as an equal partner.

Meanwhile, we in the Congress should think long and hard about fulfilling our responsibilities. These risky, new peacekeeping operations that some think should be a centerpiece of the "new world order" must not be handed over to any President—this is no reflection on my President; I just happen to believe the Constitution. The Congress has a solemn duty and a sacred obligation to weigh in when American lives and American treasure are at stake.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator should be advised that, because the Senator has not yet submitted his amendment, the time, in fact, has not been counted at this point.

Does the Senator intend for his time used to be part of the agreement?

Mr. BYRD. No.

I thank the Chair for correctly stating the situation. I do not intend to take advantage of that fact, but I will have a little time left in case I need some.

AMENDMENT NO. 790 TO AMENDMENT NO. 782, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY; and I ask unanimous consent that any other Senators who wish to add their names after they hear the reading of the amendment or listen to any further debate may be allowed to do so to join as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY, proposes an amendment numbered 790 to amendment No. 782, as modified.

In the amendment, strike all after line 4, page 1, and insert:

Sense of Congress regarding United States Policy towards Somalia.

Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

(a) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.

(b) PLANNING.—The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

(c) REPORTING REQUIREMENT.—

(i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(ii) Such report shall include the status of planning to transfer the functions contained in paragraph (b).

(d) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization in order for the deployment of U.S. forces to Somalia to continue.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

The Senator from Arizona is assuming the time of the minority leader.

Mr. MCCAIN. Yes.

Mr. President I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, this is a very important amendment, perhaps one of the most important actions that this body had debated in some years.

I realize that it is a sense-of-the-Senate resolution. At the same time, I believe that we all understand that this resolution establishes, in effect, a date certain for a vote on the commitment of United States forces to Somalia.

Let me repeat, Mr. President, in voting on this amendment, we should all understand that the Congress of the United States expects the President to present a plan for shaping U.S. withdrawal. We should understand that it sets a date for a vote on that plan and it establishes, in effect, a date certain for a vote on the commitment of United States forces in Somalia.

Mr. President, a date certain is necessary for many reasons. First, we should not commit U.S. forces to any military mission in the post-cold-war era without a national consensus, and this can only come from congressional review of such a commitment.

Second, we must be extraordinarily careful in submitting U.S. forces to U.N. command, or any foreign command, especially when the objective of the United Nations may not be our objective and the U.N. command may have uncertain organizational effectiveness.

Third, I think we all realize that we have drifted from the use of force to secure humanitarian relief to an open-ended effort at peace enforcement and nation building.

Mr. President, the consequences of this drift into has never been made more clear than by the tragic news we have heard tonight. Peacekeepers came under fire from heavy weapons, and were trying to withdraw, when women

and children joined on the attack where someone was using grenades and small arms. According to the U.N. spokesman:

The women and children were combatants. "When the helicopters cam in they shot at the gunmen behind the walls, and the women and children who were actively engaged as combatants as well. Whoever was behind the walls was shot at.

The spokesman went on to say that he had no information on the number of Somalis killed or wounded, but told reporters, "What I am acknowledging is that if you go out there tomorrow, you may find some women and children casualties."

Mr. President, we went to Somalia to keep people from starving to death. Now we are killing women and children because they are combatants.

This has to stop. It has to stop, and it has to stop soon. And the orderly way to stop it is for the President to present a plan for shaping U.S. withdrawal, set a date for that plan, and have the Congress of the United States either endorse or reject such proposal.

Our mission in Somalia has changed because the President decided, without seeking the approval of Congress, to expand it. He expanded it to include, as Ambassador Albright outlined, disarming, retraining, and reemployment of combatants, establishing democratic institutions, and stopping those who disrupt the peace.

When were there democratic institutions in Somalia? When was there peace? When was the population unarmed? When were clan politics peaceful? Our servicemen are increasingly involved in a region of the world where there is no compelling U.S. interest, where they serve under foreign command, and where they have been given no clear mission or objective.

We have also taken sides in a dispute among the two leaders of one major clan in Somalia, the clan located around the capital. We have become engaged in a warlord hunt. We are hunting down General Aideed.

I fear that in the process, we are making a very serious mistake in Somalia, and one that is eerily reminiscent of Lebanon. It is the mistake of failing to recognize the limits of American power. It is easy to talk about quelling violence, disarming warlords, and establishing effective police forces. It is far from clear, however, that anyone in the administration knows how to go about achieving any of these lofty objectives.

To date, the administration has done little more than indicate that it hopes to achieve these objectives by catching or killing General Aideed. It has talked about clan elders, but these have never been a unifying force and they have not had any real power for two decades.

We have heard no word about Somalialand, and the fact it has declared its independence and may be willing to fight for it. We have heard nothing about the threat from the Darod clan, and from General Morgan in the south.

We hear about Aideed, but he is only one armed subclan leader in a nation where there are at least 11 major political factions headed by similar warlords and clan leaders. Catching Aideed will resolve nothing when the entire country is armed and divided.

Somalia is filled with heavily armed warlords. It has no other politics, and U.N. and U.S. efforts to broker the rival interests of these clans with military forces are extremely dangerous. We simply cannot make military commitments in this way.

We also need to recognize that the United Nations is not a magic solution to anything. It is not a way of abrogating our responsibilities or achieving our goals. Our prestige is at stake. Our influence is at stake. Most important, the lives of our service men and women are at stake.

I believe it is time for the administration to seek congressional approval for a set of militarily achievable goals and a strategy for achieving them. I believe the leadership amendment will encourage it to do so.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SIMON. Mr. President, we are, with the adoption of the Byrd amendment, taking I think responsible action in seeing to it that Congress does have its voice heard. I think, as Senator BYRD has pointed out, the precedent is important, not just for Somalia, but for the future; that we cannot be involved in these things endlessly without congressional involvement.

The timing on this was unfortunate. What happened was a decision was made after the election in November, when Congress was not in session, to send our troops over there.

Then you had, on January 20, a new administration and a very different situation. And while the two Houses passed separate resolutions, there was no single resolution or act of Congress on this matter.

I also agree with Senator MCCAIN when he said one of the dangers in this kind of situation is that we should recognize the limits of American power.

I, frankly, think we have become obsessed with the Aideed thing.

Outside of Mogadishu in Somalia, things are going well. We get a distorted picture from the headlines. And I hope the story is not true, or is not completely accurate, in terms of the kinds of tragedies that have just occurred there.

But we have to balance that, I tell my colleagues, at the same time with what was taking place.

I see my friend, the Senator from Washington here, Senator GORTON. He last night indicated Somalia was no worse than what was happening in other countries.

Somalia was appreciably worse than anything that has happened in recent times. I was in Ethiopia, I have been to a number of these areas. And I visited those camps in Asia. I have seen some grim things.

I have never seen anything like what I saw in Somalia. I remember at one feeding station talking to a woman with a little boy, like these pictures you see, with his ribs sticking out. And I asked through the interpreter how old is he? And I was told 4 years old. My granddaughter then was 2. He was not as big as my 2-year-old granddaughter.

Then I said, "How did you happen to come here?"

And she said, "We lived about 20 kilometers away. We heard there was food here. My three children came here. Two of them died along the way."

My guess is that little 4-year-old is not alive today.

I saw children, and it is grim to talk about, and I have never seen this anywhere—the flies were everywhere. I saw children so weak they could not brush the flies from their eyes. And you see it and you know somehow we have to do something.

When I returned—Senator METZENBAUM was on this trip also—I called the Secretary General of the United Nations and talked to Secretary Eagleburger and talked to people in the administration. And, not because of my conversations with them but because of the cumulative thing, we faced the prospect of more than 2 million people starving to death.

In George Bush's finest moment he made a decision, along with the Secretary of State and Secretary of Defense and others, that we would go over in this humanitarian mission. And how many lives were saved, no one will ever know.

But I tell my colleagues, as an American citizen, I am proud of what we did.

Now the situation is different. And we have to define it carefully. I do believe we have to be careful that we do nothave a precipitous pullout. Gen. Colin Powell was quoted by Senator BYRD as saying the credibility of the United States is at stake.

President Bush asked other nations to come over.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMON. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. SIMON. President Bush asked other nations to come in, and they did. And while President Bush, I think, made a mistake in either a press conference or his announcement—I cannot

remember—saying he hoped the American troops could be out by January 1, I remember General Powell saying at the time there would have to be a residual force of Americans to help on technical things, like seeing that we had clean water and other things there, as we aided other countries in this transition.

And it is a transition. This is unlike any other country. We have dealt with countries with despots before. Here we had a country with no government. There is no parallel to what the situation was in Somalia. But what we are now confronted with is the question: Should there be congressional action if we are to continue our presence?

I favor our continued presence. But I also believe there has to be congressional action. Otherwise, we do violate that Constitution that Senator BYRD was talking about.

I had a conversation, I guess, 2 or 3 months ago with Congressman LEE HAMILTON, of Indiana, the chair of the House Foreign Affairs Committee. And we talked at that point about the desirability of having some type of formal congressional action. That is what this amendment now calls for.

The precedent is important. So I guess my message to my colleagues is two: No. 1, it is important that, as a Congress, we act, both for the situation right now and as a precedent to the future. But the second message is let us not send the wrong message to a world that is threatened by instability that the United States cannot be an effective leader.

I think we have to use that power carefully. Senator MCCAIN is absolutely right. When you have a lot of power, sometimes the temptation is to use it unwisely. We have to make sure we are using it wisely, but let us not send the wrong message to the rest of the nations of the world that we cannot lead effectively.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. MCCAIN. I thank the Senator from Illinois for a very thoughtful and important statement.

I yield 5 minutes to the Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, I read a paragraph of an essay by Charles Krauthammer that has turned out to be eerily predictive. I want to repeat it. He writes:

> There is no such thing as feeding the hungry, if what's keeping them from eating is not crop failure but vandalism and thuggery. One has first to destroy the vandals and the thugs. In a country wracked by civil war, what starts with feeding ends with killing. There is no immaculate intervention.

Today, Mr. President, the United States troops, through their gunships, have perhaps killed as many as 100 civilians—women and children—on the streets of Mogadishu. That killing was justified. That killing was necessary. It was justified and it was necessary because our troops are in Mogadishu and must be protected and otherwise might themselves have been killed.

What that killing illustrates, however, is that they do not belong in Mogadishu or in Somalia. This Senator faces the paradox of agreeing almost totally with the speech of the distinguished Senator from West Virginia and with the distinguished Senator from Arizona but disagreeing entirely with the resolution which they have presented because it is not consistent with their speeches.

This resolution says, perhaps on November 15—perhaps on November 15—the Congress of the United States will exercise its duty to make its views known in the form of law, but it will not do so now.

Mr. BYRD. Mr. President, will the Senator yield on my time?

Mr. GORTON. I will be happy to yield on your time.

Mr. BYRD. Let me assure the Senator that is not what this resolution says, in my thinking. That says those people will come out of there if Congress does not act by then. And I can assure you this Senator will be on his feet again if there is any reneging on the part of those who have helped put together this resolution.

Mr. MCCAIN. Will the Senator from West Virginia yield?

Mr. BYRD. I yield on my time.

Mr. MCCAIN. I would like to say I am in total agreement with the interpretation of the Senator from West Virginia and I would not support the resolution under any other circumstances, as well.

Mr. BYRD. I thank the Senator. I thank the Senator for yielding. Let me thank him also for his support of my amendment in the first degree and for the help that he has given to me in the development of this resolution because I did bounce it off him and at least one of his suggestions came back through my staff, and that suggestion was adopted. It was a good suggestion. I thank him.

But never let it be said that this Senator thinks that this is a fake. Do not let it be implied that I am doing this to get us off the hook, or the leadership or the President or anybody else. The administration has not talked with me on it. It would not make any difference if it did because I am morally, ethically, physically, and mentally bound at all times to uphold this institution, the legislative branch, under the Constitution, and I do not intend to leave any wiggle room.

We are going to face a showdown on this one way or another. We still have appropriations bills, and we are going to face a showdown on this matter one way or another because this Senator is not going to stand still for what is going on without Congress having a role. And when that time comes, I may vote against any authorizing method. My hands are free, my feet are free, and my jaws are free, and this Senator will stand to the last.

I thank the Senator. He is expressing a sincere opinion. He wants to say we mean business, and that is what I think we mean—business. I know I mean business. I can assure the Senator, we are saying here we will get a vote on this if we keep our troops in there; we are going to get a vote, and I mean that. If the President does not send up a plan to continue those troops in there, we will get a vote on an appropriations bill. That is where, to use Mr. Gore's words the other morning on television, the rubber hits the road.

Mr. GORTON. Mr. President, this Senator is grateful for both the expression of appreciation and the strong position which the Senators from West Virginia and Arizona have stated is their interpretation of the meaning of the amendment which is before us right now.

Nevertheless, the words of that resolution are words of a sense-of-the-Senate resolution. They do not have the force of law. They do not require the President to do anything. They do almost certainly state that we will be engaged in a debate on this subject on November 15, whether the President has done something or not.

It is, however, the position of this Senator that that debate on a substantive basis should take place now, and that what we should be passing is the modified original amendment which states that our troops will leave Somalia unless thePresident has come to us and gotten approval within, I hope, a shorter period of time than is the case.

Between now and November 15, Mr. President, there will be more American men and women killed in Somalia while we wait and engage in this debate, and there will be more gunships shooting at more Somalis during the course of that period of time. And that is why, from the point of view of this Senator, while we have moved a long way forward, due almost solely to the efforts of the Senator from West Virginia, I am not satisfied that we are taking decisive enough action tonight to deal with the very real problem that we have.

It may be the view of the Senator from Illinois that outside of Mogadishu, the Somali Republic is now Plato's Republic. It may be his view that this is the single worst situation in the world, though it is rather inconsistent with that other statement on his part. Let him tell that to the people of Angola. Let him tell that to the people of Sudan. Let him tell that to the people of Mostar. Let him tell that

to the people of Nagorno-Karabagh. They will not necessarily agree, but the principle for which he stands would have us involved in every one of those places.

The problem that we have in this country, in the Somali Republic, is a very simple one: We are following the views and the policies of the United Nations and not the interests of the United States of America. We are letting ourselves be led around by policies set in New York, by the United Nations, in which the people of the United States and the Congress of the United States have not been consulted at all. And we are now asking, very late in the game, for some such consultation.

That is not the way in which we should engage the prestige and the lives of American men and women. We do not belong in this place. We also learned this afternoon that the same United Nations which apparently is setting our policies for us has been paying $100,000 a month in protection money to the very warlord we are seeking to capture. The very United Nations whose policies we are following is paying off the person we are seeking, and half of the troops in the United Nations are attempting to frustrate what we are doing.

We should get out now. We should vote against the secondary amendment and for the original Byrd amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. SIMON. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I am supporting this amendment because it is a compromise position arrived at with concessions from both sides, but I must underline that the United States has agreed to U.N. Security Council resolutions regarding the deployment of troops in Somalia and that we have pledged to be part of this multilateral effort.

For example, on March 23 the Security Council went on record saying it decides to "expand the size of the forces at its mandate."

As such, it is my belief we should stay the course with the policy we have already agreed to and which I believe is right. If we want to change that policy, we should do it within the forum of the group with whom we have allied ourselves and agreed with, the Security Council.

It is critical we accomplish the goals set out in the Security Council Resolution 814. Last night, I spoke on this issue and said it is important to recognize that the U.N. goals in Somalia have been defined in that resolution.

I have agreed to this compromise amendment because I believe that, for the most part, it allows us to fulfill our obligations under United Nations Security Council Resolution 814 and that it lessens any harmful effects of the underlying resolution.

In my view, we have accepted responsibilities under the U.N. resolution which we must not abandon. The United States responded to an unequaled humanitarian crisis by leading the effort to gather multilateral humanitarian and military support for Somalia. We were not just one participant. We were a leader. Our endeavors brought 23 other nations on board to help answer the crisis in Somalia, and therefore it would seem to me imperative we should not disengage before the mission is complete or it has been agreed to by our allies. Somalia sets an important precedent for the United Nations peacekeeping and peacemaking efforts around the world, which I believe makes United States leadership in this effort critical.

We need to deal effectively with the events of Mogadishu which now threaten to cause a reappearance of the humanitarian disaster which brought the United States and our allies to Somalia originally. The way to do that is to support our continued involvement in ensuring a secure environment for the provision of humanitarian relief for the people of Somalia and paving the way for a genuine resolution of the crisis.

I support the compromise substitute. I yield the floor.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Mr. COHEN. Mr. President, the Senator from West Virginia has often quoted poetry on the Senate floor, and he perhaps knows more poetry than any other Member of this body or the other body. And he will correct me, I am sure, if I am wrong, but I believe it was the poet W.H. Auden who said, "History held a moment too long burns the hand."

I wanted to thank him for forcing us to hold history in our hands much longer than we are wont to do. We use words in this Chamber and in this city not to reveal what our inner thoughts are. I think it was Justice Holmes who said that word is but "the skin of a naked thought." We do not use words to describe our naked thoughts but, rather, to conceal them. We know that, for example, going back historically, when we talked about the Korean "conflict." We did not have to have a declaration of war—it was a conflict. In Vietnam, a conflict. In Cambodia, an incursion. And we had the Grenada "rescue" mission. We had the Panama "invasion." And, of course, we finally came to the Persian Gulf "war." We used "war" for the first time in many, many decades, stating forthrightly what our intentions were—to wage "war." And even then, President Bush was reluctant and almost insistent upon not coming to Congress to declare warmaking authority, to allow this Nation to commit its treasure to that war.

And here we see that we have gone beyond that. We are talking about our troops being engaged in Somalia in "peacekeeping." That was the original purpose. But now it has evolved to peacemaking. Frankly, I am not sure exactly what that word means. Peacemaking is really warmaking. It seems to me that is what Senator MCCAIN was describing in what happened over there today. We are making war to keep a peace, but we are nonetheless engaging in war fighting.

I think that we have to come back to some basics, and that means coming back to Congress to declare war, to declare our objectives, to get authority to commit our sons and daughters to an area in which their lives are placed in jeopardy.

We have used words to abdicate our responsibilities in so many ways. Whenever we come up to a tough issue, we abdicate that responsibility by forming a commission, finding some way to avoid the responsibility. And here we cannot and we should not avoid or evade our responsibility.

May I have 1 additional minute?

Mr. BYRD. Mr. President, I yield the Senator 2 minutes off my time.

The PRESIDING OFFICER. The Senator from Maine has 2 minutes.

Mr. COHEN. It is important that we support the Senator from West Virginia. I was happy to support his prior amendment. I agree with much of what my colleague from the State of Washington has said about the need to take action now and not defer it even to November 15. But nonetheless, this is the motion before us, and I think we should proceed on that basis.

But I was intrigued with his suggestion of the irony involved, that here we are seeking to make peace amongst fighting warlords when we cannot keep the peace in our own country; when the morning television news tells us of another German citizen murdered on his way to a vacation in Miami; when, as the Senator from West Virginia points out, step two blocks outside of the protected environs of the Capitol and not one of us is safe; when we cannot drive down the streets without making sure our doors are locked for fear of carjackers.

Charles Krauthammer, a brilliant columnist, has been quoted. Another

columnist, George Will, pointed out that putting National Guard troops or Rangers from Somalia here will not solve our problems. Bayonets in the streets will not solve the problems of teenage pregnancies, illiteracy, poverty, homelessness, and hopelessness. It will not solve those. But it seems to me we would be far better off trying to put some discipline and some crime prevention into stopping the warlords in our own cities than we are in trying to stop the fighting that is taking place right now in Somalia.

So I support the Senator from West Virginia. I think it is important that we not abdicate our responsibility. We are talking about peacemaking, which is quite different from peacekeeping. It is much akin to warmaking in order to maintain that peace.

Let us stop using words to avoid and evade our responsibility. Our responsibility is for us to decide whether or not we are going to send our sons and daughters into harm's way, and whether or not we are prepared to face the mothers and fathers of those sons and daughters and say we are prepared to sacrifice, potentially sacrifice, your children for this cause. That is our responsibility, not the President's.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Mr. President, the distinguished President pro tempore, Senator BYRD, has shown great courage and leadership. I am very much in league with his efforts. I wish that his first amendment would be the order of the day. As I stated on the Senate floor just last evening, I believe we should get our troops out of Somalia now, lock, stock, and barrel. From day one, I opposed sending the troops to Somalia. I was concerned with the extent of our involvement and the dangerous precedent our involvement would set. The cost of our involvement has been enormous, and the precedent set is unsettling.

I believe there are times when we should use our troops abroad. I voted for the Persian Gulf resolution. In that case, our mission was clear. But this mission in Somalia is very strange. Our troops are involved in civil war, playing hide and go seek with a Somali warlord. This operation does not have congressional authorization. It is no longer a food distribution effort. We are now caught in the middle of a civil war. Young Americans are dying over issues that do not seem to have any defined purpose. We seem to be following the United Nations leadership here, not the United States. Bear in mind, I am a proponent of the United Nations. I once belonged to the Minnehaha County U.N. organization. I twice served as a congressional delegate to the United Nations. I believe the United Nations has a great role to play.

But in fact corruption within the United Nations has reached such a height that we learn today we are paying $100,000 per month of bribes to a warlord there, silence money or something. But young Americans are dying to protect and promote this type of corruption; this type of tribal warfare.

Earlier this year I was on a congressional delegation that visited eight countries in Central Africa. All of the leaders in the countries except one are kleptocrats. There is very corrupt leadership in those countries. They are stealing from the people, to put it bluntly. That is the truth.

There appears to be very little public service regard on the part of the so-called public servants in that part of the world. It is very much a tribal, local thing. And now to have American troops in the midst of this on a mission to capture one tribal leader is nonsense. We should get our troops out now.

Under the compromise resolution that is before us, as I understand it, the President would have essentially until November 15 before this body has to act. I wish action could occur much sooner. I wish that troops could not be deployed in this manner unless there was a resolution passed by Congress pursuant to the War Powers Act.

So, Mr. President, in conclusion, we should get our troops out now. I opposed sending them. I called on us to withdraw them earlier. Every day that they remain we will have more obligation, and more unnecessary bloodshed. Middle-class American taxpayers are paying for this unauthorized warlord hunt while in this city where I live, just a few blocks from here, we virtually need military protection.

We have plenty of problems here at home. We have plenty of problems within our own strategic sphere of interest. And yet, year after year, we find we do not have the resources to satisfy our broad interests and to solve our many problems here at home. I do not believe we could build a case that we have a strategic interest in the tribal battles of Somalia. Our troops are no longer distributing food. They are now mired in a civil war that has gone on for many years between tribes in Somalia.

Mr. President, we should withdraw our troops now completely.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to commend the distinguished Senator from West Virginia for bringing our deployment in Somalia to the floor for debate. Events in Somalia remind me of a recent statement by Secretary of Defense Les Aspin that the new world order is long on new but short on order.

While I share my friend's concern not only about the safety of our personnel and the underlying policy for their continued presence in Somalia beyond completion of Operation Restore Hope, I believe the Congress should send to the President a clear signal that the original humanitarian mission has been fulfilled.

Furthermore, hearings should be held by the Senate Armed Services Committee and the Foreign Relations Committee immediately upon completion of this bill.

Today's tragic news that women and children were killed as a result of their participation in an attack on the U.N. forces is another indication we are no longer stopping starvation but are targets in a civil conflict.

I appreciate what the Senator from West Virginia is doing. I think we must speak out. It is time for the President to consult Congress, and I think it is time for us to get out of Somalia in the most ordered possible way.

Thank you, Mr. President.

I yield my remaining time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, there are two additional speakers that I have on this side. I hope they will be able to get here in a short period of time. Senator SPECTER I believe has 10 minutes, and I have 10 minutes remaining, of which wewould use 5. Other than that, I have no other speakers on this side that I know of except for Senator WARNER for 2 or 3 minutes.

Mr. SIMON. Mr. President, Senator LEVIN has asked to speak. We are trying to locate him right now. I have no other requests for anyone to speak.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided, and charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. WARNER. I thank the distinguished Senator from Arizona [Mr. MCCAIN]. I wish to associate myself with the objectives of the Senator from West Virginia [Mr. BYRD] and, specifically, I ask to be an original cosponsor of this Byrd-Mitchell-Dole amendment, recognizing its importance.

Mr. President, many times I have had the privilege of joining the Senator from West Virginia in debates on the War Powers Act and time and time again he has urged this body to assert itself and its constitutional responsibilities as those responsibilities relate to the engagement of our men and women in the Armed Forces in armed conflict beyond our shores.

I interpret this amendment as doing just that, requiring the President and the Congress to work together in partnership. In no sense do I see this amendment as indicating a cut-and-run policy. To the contrary, it is urging both coequal branches of the Government, the executive and legislative branches, to work together in a partnership. That is very important because Somalia is but one action and, regrettably, tomorrow and the next day there will be other parts of the world where we will be called to come in as partners and members of coalition forces.

The credibility of the United States is on the line in Somalia, the credibility as a future reliable partner in fighting aggression somewhere else in the world. That is the future which we all, regrettably, are faced with, one of continuous problems. Through the coalitions of forces we can help to preserve freedom. Therefore, I interpret this amendment as putting the two branches of the Government in partnership for the purpose of establishing a procedure by which this country will make its determinations as to the future involvement in Somalia and preserving United States credibility.

I commend the distinguished Senator from West Virginia. I commend the leadership of the Senate for sponsoring this amendment. I yield the floor.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I yield 5 minutes to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, the Senator from West Virginia has made a very useful contribution in raising this issue, and I believe that this new bipartisan amendment takes the right approach in resolving the issue.

We ought to support the continued presence of the United States in the Somalia operation. We should stand tall, strong and proud behind the men and women of our Armed Forces serving in connection with the United Nations mission now in Somalia. With the cold war over, we finally have an opportunity to develop a united worldwide effort to bring stability to areas where there is chaos.

This operation in Somalia is the first in peace enforcement under Chapter 7 of the United Nations Charter. It is historic. It is multinational. We must not allow it to fail because of one local warlord that is trying to foment chaos. If it was important for us to go to Somalia—and I believe it was and that most of us believed it was—then surely it is important enough to make a reasonable effort to see that when we leave Somalia it does not immediately relapse into the chaos and anarchy that caused the mass starvation to begin with. But, Mr. President, our presence in Somalia is currently too open-ended. The mission is not clear enough. We need a more carefully defined mission, and the U.S. forces should only remain until we accomplish that goal.

The chairman of the Armed Services Committee has rightly observed that setting a specific date for termination of the military operation is counterproductive. It will undercut our objectives. It will put our troops in limbo. And the last thing that we want to do is to put our own forces in a questionable status, where they see that a fixed date is coming for their departure, conditional or otherwise, because that raises the very uncertainty which saps the morale of our Armed Forces. We owe them more than that.

But the commitment to Somalia cannot be an endless commitment. There is another problem that we must try to resolve, and the effort of Senator BYRD will help us resolve, which is that the current command and control being exercised by the U.N. command in Somalia is unclear.

The United States must take the lead in improving the U.N. command, so that we do not have a repetition of the tragic incident earlier this week where Italian troops failed to come to the aid of Nigerian troops that were under attack. And we have to accelerate the effort to help the United Nations build the institutions in Somalia that must take over from the United Nations, the basic building blocks of society like police forces, which are essential if that society is going to rebuild.

But we cannot stay there until that society is rebuilt. We only can take reasonable action to see to it that when we leave there is not an immediate relapse into the chaos which brought us there to begin with. What brought us there was a thousand people dying every day, a half-million babies and elderly already dead, and 2 million more at risk.

We can be proud that we succeeded in our humanitarian mission. Surely we would not want the first Chapter 7 effort under the United Nations Charter to fail, the first multinational effort of this type to fail, and for mass starvation to return to the very site which took so many lives.

The first amendment of the Senator from West Virginia, in my opinion, was too broad, because it left in limbo our troops, because it prejudged the report of the President that we should rightly receive, and I believe prejudiced the outcome of that debate.

But this version, this new version, this bipartisan amendment before us, takes the right approach. It seeks a report from the President. It requires a better definition of our mission and plans to eventually bring the mission to a conclusion. It does not prejudge the report that we require by setting a near-term deadline for cutting off funds or withdrawing our troops.

So, Mr. President, in conclusion, with the report that we require under this amendment, Congress then can evaluate what the President lays before us without prejudgment, without prejudice. The substitute amendment accomplishes the very positive purposes that the Senator from West Virginia originally intended. It avoids the negative consequences that could have flowed from the original amendment that was before the Senate.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator PRESSLER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SIMON. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time will be equally divided.

The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I believe I have 5 minutes. I will try not to take the 5 minutes. I know the hour is late.

Mr. President, let us make it clear that this is a compromise. There have

been a number of Senators on each side of the aisle concerned about this and we have tried to incorporate their views in the compromise. As we have learned over the past day or so, there are many views in the Senate about our involvement in Somalia.

I share many of the same concerns expressed by the distinguished President pro tempore about the nature of the present United States involvement in Somalia—should United States forces be pursuing warlords like General Aideed?

I also read the latest wire story, which was certainly disturbing and will certainly raise concerns as it appears in the news tonight and tomorrow morning—about what our role is, what our mission is, how long we should stay.

I think the distinguished Senator from West Virginia deserves a great deal of credit for bringing this to our attention many weeks ago.

I hope by this compromise we have indicated the strong feeling in the U.S. Senate. We have had consultations. We are going to continue to have consultations with the President and members of the administration. I do think the administration will have to enlist the support of Congress, and I hope that is done as quickly as possible.

So it seems to me that we have forged a compromise that I believe will have strong bipartisan support. I indicated yesterday to President Clinton that I wanted to be helpful. I have had some concerns for some time, triggered by, I might say, comments of my friend from West Virginia, Senator BYRD. We began our involvement in Somalia as a humanitarian effort and I think everybody agreed—maybe not everybody, but most everybody agreed—we were doing the right thing. The American people felt we were doing the right thing and we were, in my view, doing the right thing, because there were hundreds of thousands of people at risk of starvation.

With the humanitarian mission in Somalia nearly completed, U.S. forces are now trying to establish security in Somalia.

The Congress did not play a role in establishing this expanded mission—a mission, for which I must add, no dateline, no end-point has been set. We do not know when U.S. troops will be withdrawn or why they have not yet been withdrawn since the humanitarian effort is winding down.

Addressing the humanitarian crisis in Somalia, while it carried with it clear risks to U.S. military personnel, was a worthwhile mission—a mission I supported. However, now we find ourselves engaged in new operations aimed at pacification and nation-building—operations which place our forces in a dangerous situation without any clear American interest at stake.

As this policy has evolved the administration has consulted with the Congress, but the Congress has not had the opportunity to review in detail the mission, command arrangements, the size, function, locations and anticipated duration of U.S. forces.

Mr. President, this amendment would require the President to submit a detailed report to the Congress that would provide us with this critical information.

The amendment also states that the President should seek and receive congressional approval by November 15, in order for the deployment of United States forces in Somalia to continue.

Mr. President, I have shared my views and concerns about United States operations in Somalia with President Clinton—concerns that are reeinforced by today's news from Mogadishu. Like many of my colleagues I thought that by this time, we would be in the process of withdrawing our troops. I fear that if we do not review our involvement in Somalia and we assume new missions beyond that of providing humanitarian relief, we run the very real risk of getting bogged down in a quagmire. As such, I believe that we should begin transferring our operations to the United Nations.

A thorough review of United States involvement in Somalia is overdue. That is why this amendment is important. This amendment ensures that the Congress will be fully informed on the nature of U.S. operations in Somalia and on progress toward transferring responsibility to the United Nations.

Now some of my colleagues say, well, they like the original amendment much better because it was definite; no questions asked. If there was not a law passed at a certain time, that is it.

But I hope that most of my colleagues would understand that we have tried to work this out on both sides of the aisle, I believe we have reached a good accommodation satisfactory to the distinguished Senator from West Virginia and I think also the administration.

So I am pleased to support the compromise.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, under the previous unanimous consent agreement, I yield to Senator SPECTER for 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania [Senator SPECTER] is recognized for up to 10 minutes.

Mr. SPECTER. Mr. President, I thank the Chair.

I shall be relatively brief. I hope to yield back some of my time. I would like to add a few supplemental thoughts to those which have been expressed already this evening.

I supported the original amendment by the distinguished Senator from West Virginia and spoke on it briefly last night.

I think there are substantial reasons to consider this amendment an improvement in that it is not mandatory and cannot be considered an encroachment on executive authority in any way since it is a sense-of-the-Senate resolution, but it is a very clear statement of how the Senate feels.

I believe that it is very sound public policy, under the circumstances at hand, to require congressional approval before U.S. troops are committed long-term in Somalia. We do not have a situation where we are at war without a declaration by Congress, as we had in Korea and as we had in Vietnam, what I believe to be unfortunate precedents.

We had very substantial debate on the resolution for the use of force in Iraq. This instance demonstrated that in a representative democracy, it is very important to have the backing of the Congress, which means the backing of the people. The bitter experience from Vietnam further demonstrates that we cannot support prolonged military action without public support.

We have started the issue of the War Powers Act here and not gotten involved in the technicalities of that complex subject.

As a matter of public policy, however, our role in Somalia is sound. When the emergency presented itself, the President of the United States, then President Bush, acted. The humanitarian objectives have been fulfilled, at least largely fulfilled.

I believe that there is substantial wisdom to be added by the Congress in debating and focusing public attention on such a matter, especially in the context where we would require a statement of policy by the executive branch. And so far, we have not had that clear-cut statement of policy. We have had news conferences and statements have been made on the Sunday talk shows, but we have not had a statement of clear-cut policy. Such a statement is required and will force the executive branch to focus on our role in Somalia.

I do hope that before U.S. involvement is concluded, that we are able to bring Aideed to justice, because he is a war criminal. The action that he has taken in contravention of action by the U.S. brands him as a war criminal. We are now in the process of setting up a war crimes tribunal which is aimed at the situation in Bosnia on the Serbian atrocities. There may be a need for a tribunal in Somalia as well, if we gain jurisdiction and custody over Aideed.

I recall the wisdom of the Congress in a fascinating session held in S-407 after the bombing of Libya back in 1986. It was the distinguished Senator from West Virginia who at that time had a fascinating dialog with the then Secretary of State, George Shultz on a critical issue as to whether congressional leaders who had been consulted had the authority to recall the planes as they were in transit.

There was just a little bit of a disagreement as to whether Congress was

notified or whether the leaders who had been notified could have recalled those planes.

Without talking too much about what happened or who was right and who was wrong, there was some institutional wisdom that Senator BYRD brought to bear on that situation, and others, which I think commends action by Congress.

We want to be supportive of the executive branch and our new President. But with the current situation in Somalia, there is ample reason to recommend a debate and expression of public policy by the Congress of the United States.

For these reasons, I support this amendment, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back. Who yields time?

Mr. GRASSLEY. Mr. President, I wish to associate myself with the remarks of Senator GORTON relative to Somalia.

Mr. D'AMATO. Mr. President, I, too, wish to associate myself with the remarks of Senator GORTON relative to Somalia.

FURTHER MILITARY OPTIONS IN SOMALIA

Ms. MOSELEY-BRAUN. Mr. President, I was not here when President Bush ordered United States forces into Somalia for humanitarian purposes. However, I supported his decision because I knew only too well what was going on in Somalia.

As all of my colleagues know, the famine going on in Somalia last year was absolutely heart-wrenching. The country was losing an entire generation of its children to starvation. Ten-year-old children became the size of 5-year-olds. At the same time, starvation changed their heads and faces to make them seem not just older—children like to look older—but old, like they had missed their childhood and their adulthood and gone directly to very old age.

And their parents were not faring much better. If hunger did not kill them, it crippled them, or prevented them from keeping their own children alive. Can anything be worse for a parent than watching your children literally starve to death and be unable to do anything about it?

What made the situation last year so tragic is that the famine was avoidable. Somalia could have avoided the epidemic of starvation if food had not become a weapon in its ongoing civilwar, and if that war had not prevented the country's agriculture industry from feeding its people.

Ordinarily, when there is a famine, the world's relief apparatus, both private and governmental, goes into action. In Somalia, private charities, and U.N. aid workers attempted to feed people. The civil war, however, made it impossible for aid workers to perform their mission. The only way to get food to the starving innocent children and other victims of the civil war was to provide military protection to the aid workers so that they could feed people.

That is what President Bush proposed to do, and that is what the United States, and later the United Nations, did. And the policy worked; the famine was broken. Children were fed; their parents were fed. The terrible agony of the Somali people was broken.

While the famine has receded, however, the war has not. Because of that fact, the mission of our military forces, and the military forces of many nations serving in Somalia under the flag of the United Nations began to change. Almost imperceptibly at first, the policy began to expand beyond the original humanitarian message; the military forces that came to Somalia to feed the Somali people found themselves being drawn into the civil war, and into nation-building and the restoration of some sort of viable government in a country where all government had totally broken down.

The amendment now before the Senate is therefore very timely, Mr. President. It is time for us to step back a bit and to consider what we are doing and where we want to go.

This amendment ensures that the needed reassessment will happen. It does not require the United States to take precipitate action. Instead, it simply tells the President that the Congress and the American people want to understand where we are in Somalia, what our mission is, what its limits are, and when it will end. I therefore support this compromise amendment, and I urge its prompt adoption by the Senate.

The PRESIDING OFFICER. The Senator from Arizona, Senator MCCAIN.

Mr. MCCAIN. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. MCCAIN. Mr. President, I thank the distinguished majority leader, the Republican leader, and especially our colleague and dear friend from West Virginia for shaping this compromise. I think Members of this body should know the original intent, as I understood it, of the Senator from West Virginia was a much sterner amendment. But for purposes of seeking a compromise I believe will be nearly unanimous, the Senator from West Virginia shaped this compromise.

I would like to thank all of the staffs, as well, who spent the entire day running back and forth between various Members.

We are about to vote on this as soon as the distinguished majority leader has completed his statement. I want to make it clear what we are voting on tonight, even though it is a sense-of-the-Senate resolution. We should all understand that this resolution establishes, in effect, a date certain for a vote on the commitment of United States forces in Somalia.

As the distinguished Senator from West Virginia pointed out, there are many ways that this body can enforce its will on various pieces of legislation that can be far more binding than a sense-of-the-Senate resolution. So the message tonight is we expect a date certain for a vote on the commitment of United States forces in Somalia. We need to do that for the sake of the Constitution, for the sake of the United States prestige, and most important, for the sake of the lives of the young Americans who are serving in Somalia today.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back. Who yields time?

The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I yield myself such time as I may use, for up to the time remaining.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. MITCHELL. Mr. President, I join in commending Senator DOLE, Senator BYRD, Senator MCCAIN, Senator SIMON, Senator NUNN, and Senator WARNER, and all of those—Senator LEVIN and others—who participated in the working out of this compromise amendment. I urge all Senators to support the compromise amendment. It has the support of the administration.

The amendment is short, simple, and straightforward. It calls upon the President to report to the Congress by October 15 of 1993 a description of the mission, command arrangement, sites, function, location, and anticipated duration in Somalia of American forces there. And it expresses the belief of the Congress that the President thereafter should, by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces in Somalia to continue.

There have been many statements made during this debatetoday on the previous actions or inaction by the Congress with respect to Somalia. I merely want to establish a few facts for the record because I think it is important that every Senator have in mind the context in which we are voting on this amendment.

On December 3, 1992, the United Nations Security Council enacted Resolution 794 which, in its principal operative provision, authorized the use of all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.

In response to that United Nations resolution, on December 8, 1992, President Bush began deploying United States Armed Forces to Somalia. On December 10, 1992, President Bush reported to Congress on the deployment of those forces to Somalia.

On February 4, 1993, the Senate considered Senate Joint Resolution 45, authorizing the use of United States Armed Forces in Somalia. In its operative provision, that resolution authorized the President to use United States Armed Forces pursuant to the United Nations Security Council Resolution 794 in order to implement that resolution.

The joint resolution considered in the Senate referred to the fact that Congress had, prior to then, expressed its support for a greater U.N. role in addressing the political and humanitarian situation in Somalia through two resolutions previously adopted in the Senate and one previously adopted in the House.

Senate Joint Resolution 45 was approved by the Senate without dissent. Not a single Senator objected to the approval of this, the resolution to which I have just referred. And, as I noted, in that resolution reference was made to the fact that previously the Senate had twice gone on record through resolutions urging support for a greater U.N. role in addressing the political and humanitarian situation in Somalia.

The matter then went to the House where sometime later it was taken up, and on May 25, 1993, the House considered Senate Joint Resolution 45. It amended that resolution substantially and greatly broadened the definition of the mission of American forces.

In its operative provision the resolution, as approved by the House of Representatives on May 25, stated that the Congress supports United Nations efforts in Somalia:

First, to help provide a secure environment for famine relief efforts;

Second, to prevent a resumption of violence;

Third, to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somali society;

And, fourth, to help the people of Somalia create and maintain democratic institutions for their own governance.

The resolution was approved by the House of Representatives by a vote of 243 to 179. And on the following day, May 26, 1993, it was returned from the House to the Senate. Shortly thereafter, I requested consent to proceed to conference with the House on the two resolutions. That was met with a Republican objection. Objection was made by a Republican Senator, not disclosed then or known to me now, to proceeding to conference on that matter. And that objection has persisted until now.

So it is true, as has been repeatedly stated, that the Congress as a whole has not acted with respect to this matter.

The differing versions—and as I noted they are substantially different—the differing versions approved by the Senate unanimously and by the House by a vote of 243 to 179 were never reconciled and approved as a whole by the Congress. But I think it is important that anyone listening to this debate understand that each body has previously separately acted with respect to this matter, in the Senate, as I noted, without dissent from a single Senator and in the House by the vote to which I referred.

I believe that the amendment on which we are about to vote is a sensible, prudent, responsible amendment, and I hope all Senators will join in voting for it. I hope, also, and I am certain that the President will take seriously the reporting requirement in this amendment and that he and the members of his administration will present a meaningful, detailed report to the Congress as called for by this amendment and that within the context of that report and the other provisions of this amendment that the Congress will have the opportunity to evaluate and express its view on what the mission and role of American forces should be, whether they should continue or be withdrawn. I think that is entirely appropriate and consistent with the requirements of the Constitution and with the responsibilities that this Senate and this Congress have.

Accordingly, Mr. President, I now ask unanimous consent, to complete the record in this matter, that the resolutions to which I previously referred, Senate Joint Resolution 45, as approved by the Senate, and in the amended form approved by the House of Representatives, be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 45

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 370;

Whereas the United Nations Secretary General and United States officials had concluded that massive intervention in Somalia would be necessary to avert further starvation on this scale;

Whereas the United Nations Security Council on December 3, 1992, enacted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush began deploying United States armed forces on December 8, 1992, in response to United Nations Resolution 794;

Whereas more than 20,000 American servicemen and women are now in Somalia under Operation Restore Hope and have been joined by troops from many other nations;

Whereas President Bush has emphasized that United States Armed Forces will be withdrawn and that the security mission will be assumed by the United Nations' UNOSOM operation as soon as a "secure environment" for the delivery of food has been created; and

Whereas, on December 10, 1992, President Bush formally reported to Congress on the deployment of United States Armed Forces in Somalia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use United States Armed Forces pursuant to United Nations Security Council Resolution 794 in order to implement the Resolution, which authorizes the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(b) WAR POWERS RESOLUTION REQUIREMENTS.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

SEC. 3. SENSE OF CONGRESS.

(a) UNITED NATIONS PEACEKEEPING FORCES.—It is the sense of Congress that the President should consult with the Secretary General of the United Nations and with the other member countries of the United Nations Security Council to ensure that peacekeeping forces from other countries of the United Nations continue to be deployed in Somalia to maintain a secure environment and to allow United States Armed Forces to transfer the mission to a United Nations-led force at the earliest possible date.

(b) MEASURES OF SELF-PROTECTION.—It is the sense of Congress that the President should make every effort to ensure that United States Armed Forces serving in Somalia as part of a Untied Nations-led force are permitted to take all reasonable measures to protect themselves.

(c) ASSESSMENT OF COSTS.—It is the sense of Congress that the President should submit a report to Congress providing an assessment of the costs of Operation Restore Hope, indicating the costs assessed to the UnitedStates, the United Nations, and other countries and related organizations involved in the operation.

SEC. 4. REPORTING REQUIREMENT.

Not later than September 1, 1993, the Secretary of State and the Secretary of Defense shall jointly submit to Congress a report on the introduction and commitment of United States Armed Forces into combat situations. This report shall include—

(1) a specific review of the goals of United States policy in Somalia and an outline of objective criteria which will enable the United States to evaluate when those goals are achieved;

(2) a review of all actions taken to ensure that United States material contributions to United Nations forces in Somalia are counted against United States assessments in Somalia;

(3) a review of United States international interests and their correlation to the commitment of United States Armed Forces;

(4) a description of the factors to be used in evaluating future commitments of United States combat forces;

(5) specifically, a review of the many situations in the world where there are intense humanitarian needs and a means of evaluating what elements, when present, would permit these situations to rise to a level of importance necessary for the commitment of United States combat forces; and

(6) considerations which will affect whether United States Armed Forces will be permitted to be engaged as a portion of an international peacekeeping force, including—

(A) United States command of United States troops;

(B) equitable financial contributions of nations so engaged; and

(C) the right of United States combat forces to defend themselves throughout all levels of conflict.

Resolved, That the resolution from the Senate (S.J. Res. 45) entitled "Joint Resolution authorizing the use of United States Armed Forces in Somalia", do pass with the following amendments: Strike out all after the resolving clause and insert:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Resolution Authorizing the Use of United States Armed Forces in Somalia".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.

(2) On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—

(A) determined that "the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security", and

(B) acting under Chapter VII of the Charter of the United Nations, authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(3) United States Armed Forces entered Somalia on December 9, 1992, in response to Security Council Resolution 794.

(4) The United Nations Secretary General concluded in his report of March 3, 1993, that without improved security throughout Somalia "the political process cannot prosper and humanitarian relief operations will remain vulnerable to disruption".

(5) The Secretary General recommended in his report that the United Nations Security Council adopt a resolution effecting the transition from the United States-led force in Somalia to a United Nations-led force, with the formal date of transfer of command to be May 1, 1993.

(6) The Secretary General's report envisioned a United Nations-led force having a multinational military component of 20,000 personnel, plus an additional 8,000 personnel to provide logistic support.

(7) On March 26, 1993, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 814 in response to the Secretary General's report. This resolution provides for the establishment of the United Nations-led force in Somalia by expanding the size and mandate of the original United Nations peacekeeping force in Somalia (commonly referred to as "UNOSOM") in accordance with the recommendations contained in the report of the Secretary General.

(8) United States Armed Forces will participate in the United Nations-led force in Somalia as part of the multinational logistic support contingent, providing logistical, communications, and intelligence support.

(9) In addition to logistic forces, the United States will make available a battalion-sized tactical quick reaction force to respond to requests for emergency assistance from the United Nations Force Commander in Somalia. This quick reaction force will be under United States operational control.

(10) The transfer of operations in Somalia from the United States-led force to the United Nations-led force will result in a substantial reduction in the number of members of the United States Armed Forces that are deployed in Somalia and in the costs incurred by the United States as a result of United Nations-authorized operations in Somalia.

(11) The Congress should authorize any use of United States Armed Forces to implement United Nations Security Council Resolutions 794 and 814.

(12)(A) The Congress does not anticipate that United States Armed Forces will need to remain in Somalia for more than 12 months after the date of enactment of this joint resolution to implement United Nations Security Council Resolution 814.

(B) Given the importance of the mission of the United Nations-led force in Somalia, however, the Congress will give strong consideration to extending the authorization for the use of United States Armed Forces to implement Resolution 814 should such continued use be necessary to ensure the success of the United Nations-led force in Somalia.

SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMALIA.

The Congress supports United Nations efforts in Somalia—

(1) to help provide a secure environment for famine relief efforts;

(2) to prevent a resumption of violence;

(3) to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somalia society; and

(4) to help the people of Somalia create and maintain democratic institutions for their own governance.

SEC. 4. SUPPORT FOR UNITED STATES ARMED FORCES IN SOMALIA.

(a) FINDINGS.—The Congress finds that—

(1) prior to United Nations-authorized operations in Somalia, over 300,000 Somalia (including one-fourth of the children under the age of five) died due to civil strife, disease, and famine, and at least one-half of Somalia's population of 8,000,000 people, were considered at risk starvation;

(2) the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia; and

(3) the United States contributed immeasurably to the United States-led force in Somalia, including the deployment of over 20,000 members of the Armed Forces and the loss of American lives.

(b) COMMENDATION OF UNITED STATES ARMED FORCES.—The Congress commends the United States Armed Forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

SEC. 5. AUTHORIZATION FOR USE OF ARMED FORCES.

(a) IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS.—The President is authorized to use United States Armed Forces to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993), including the use of such Armed Forces—

(1) to provide logistic and related support for the United Nations-led force in Somalia under the authorization provided by United Nations Security Council Resolution 814 (1993); and

(2) to serve as a tactical quick reaction force, under United States operational control, to respond to requests for emergency assistance from the United Nations Force Commander in Somalia.

(b) STATEMENTS OF INTENT REQUIRED BY WAR POWERS RESOLUTION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that subsection (a) is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution to the extent that any United States Armed Forces being used for the purposes described insection (a) are or become involved in hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(c) EXPIRATION OF AUTHORIZATIONS.—The authorizations provided by subsection (a) shall expire at the earlier of—

(1) the end of the 12-month period beginning on the date of enactment of this joint resolution, unless the Congress finds that continued participation by the United States Armed Forces is necessary to ensure the success of the United Nations-led force in Somalia and extends the period of such authorizations; or

(2) the expiration of the mandate of the United Nations-led force in Somalia.

SEC. 6. REPORTS REGARDING USE OF UNITED STATES ARMED FORCES.

(a) PERIODIC REPORTS.—

(1) INFORMATION TO BE PROVIDED.—The President shall submit periodic reports to the Congress with respect to United States Armed Forces participation in and support for the United Nations-led force in Somalia. Each such report shall—

(A) specify the number of members of the United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force;

(B) specify where United States Armed Forces are deployed as part of the United Nations-led force in Somalia and where United States Armed Forces are deployed that are operating in support of that force;

(C) specify the functions being performed by United States Armed Forces participating in the United Nations-led force in Somalia;

(D) specify the functions of United States Armed Forces operating as a tactical quick reaction force in support of the United Nations-led force in Somalia, and describe any use of United States Armed Forces as a quick reaction force;

(E) specify the command arrangements applicable with respect to United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force; and

(F) specify the anticipated duration of the deployment of United States Armed Forces as part of the United Nations-led force in Somalia or in support of that force.

(2) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this subsection shall be submitted—

(A) not later than July 1, 1993, covering the period since March 3, 1993; and

(B) not later than July 1, 1994, covering the period since the preceding report pursuant to this subsection.

(3) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this subsection do not supersede the requirements of section 4 of the War Powers Resolution.

(b) REPORT ON TRANSITION TO U.N.-LED FORCE.—The first report submitted pursuant to subsection (a) shall specify the number of members of the United States Armed Forces, if any, remaining in Somalia as part of the United States-led force in Somalia.

(c) AGREEMENT WITH UNITED NATIONS.—The President shall transmit promptly to the Congress a copy of any memorandum of understanding or other written agreement entered into by the United States with the United Nations Security Council, the Secretary General of the United Nations (or his Special Representative), or the United Nations Force Commander in Somalia—

(1) regarding the participation of United States Armed Forces in the United Nations-led force in Somalia;

(2) regarding United States Armed Forces operating as a tactical quick reaction force in support of that force or otherwise in support of that force; or

(3) otherwise regarding the availability to the United Nations Security Council of United States Armed Forces, assistance, or facilities to implement Security Council Resolution 794 or 814.

SEC. 7. REPORTS ON COSTS ON UNITED NATIONS-AUTHORIZED OPERATIONS IN SOMALIA.

(a) REQUIREMENT FOR PERIODIC REPORTS.—The President shall submit to the Congress periodic reports regarding the costs of the United States-led force in Somalia and the United Nations-led force in Somalia.

(b) INFORMATION ON COSTS AND OTHER CONTRIBUTIONS.—Each report pursuant to this section shall specify (to the extent such information is available to the United States)—

(1) the amount of the incremental costs incurred by the United States as the result of its participation in the United Nations-led force in Somalia or as the result of its participation in or military operations in support of the United Nations-led force in Somalia;

(2) the amount of other in-kind or financial contributions pledged, and the amount of such contributions made, by each participating country toward the costs associated with the United States-led force in Somalia and the United Nations-led force in Somalia, including contributions to the United Nations Trust Fund for Somalia and excluding amounts reported pursuant to paragraph (3);

(3) the amount assessed by the United Nations to the United States and each other country for its contributions to the costs associated with the United Nations-led force in Somalia;

(4) the amount received by the United States and each other country as reimbursement from the United Nations, including reimbursements from the United Nations Trust Fund for Somalia, as the result of its participation in the United States-led force in Somalia; and

(5) the amount received by the United States and each other country as credit against an assessment described in paragraph (3) from the United Nations for costs that it incurred as the result of its participation in or military operations in support of the United Nations-led force in Somalia.

(c) REIMBURSEMENT OF COSTS INCURRED BY THE UNITED STATES IN SOMALIA.—It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with the United States-led force in Somalia and in connection with the United Nations-led force in Somalia are reimbursed to the maximum extent possible by the United Nations and other members of the international community. Each report pursuant to this section shall review all actions taken by the United States to achieve this objective.

(d) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this section shall be submitted—

(1) not later than 1 month after the date of enactment of this joint resolution, covering the period ending on the last day of the penultimate month preceding the enactment of this joint resolution; and

(2) not later than 12 months and 24 months after that date, covering the 12-month period following the period covered by the preceding report pursuant to this section and also providing cumulative information.

SEC. 8. DEFINITIONS.

As used in this joint resolution—

(1) the term "United Nations Force Commander in Somalia" means the commander appointed by the Secretary General of the United Nations to command the United Nations-led force in Somalia;

(2) the term "United Nations-led force in Somalia" means the expanded force (commonly referred to as "UNOSOM II") authorized by paragraph 5 of United Nations Security Council Resolution 814 (1993);

(3) the term "United Nations Trust Fund for Somalia" means the trust fund established and maintained pursuant to United Nations Security Council Resolutions 794 and 814; and

(4) the term "United States-led force in Somalia" means the force (commonly referred to as the "Unified Task Force" or "UNITAF") authorized by United Nations Security Council Resolution 794 (1992).

Mr. MITCHELL. Mr. President, I yield back the remainder of my time. I ask my colleagues if we could not now have the vote so we can proceed on this matter, the issue having been thoroughly debated in the Senate?

The PRESIDING OFFICER. The Senator from West Virginia controls 27 minutes remaining.

Mr. BYRD. I thank the Chair. Mr. President, I feel that my colleagues and the majority leader and the minority leader have every intention of carrying out this resolution in good faith. I have no reason to question that. But I am supporting this resolution in the belief that the leadership of this Senate will insist that the Senate act when the administration sends up its report. I truly believe that. I have not asked the majority leader that. I take it for granted that will be the case.

And I want to say if it does not, there will be an appropriations matter, and we will get action in that event. I say this for the benefit of the administration. I will be glad to yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 790. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. DANFORTH] would vote "yea."

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—90

Akaka	Feinstein	McConnell
Baucus	Ford	Metzenbaum
Bennett	Glenn	Mikulski
Biden	Graham	Mitchell
Bingaman	Gramm	Moseley-Braun
Bond	Gregg	Moynihan
Boxer	Harkin	Murray
Bradley	Hatch	Nickles
Breaux	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Helms	Pell
Burns	Hollings	Pressler
Byrd	Hutchison	Pryor
Campbell	Inouye	Reid
Chafee	Jeffords	Riegle
Coats	Johnston	Robb
Cochran	Kassebaum	Rockefeller
Cohen	Kempthorne	Roth
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Sasser
Craig	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Smith
Dole	Levin	Specter
Domenici	Lieberman	Stevens
Dorgan	Lott	Thurmond
Durenberger	Lugar	Warner
Exon	Mathews	Wellstone
Faircloth	McCain	Wofford

NAYS—7

Boren	Feingold	Mack
Brown	Gorton	
D'Amato	Grassley	

NOT VOTING—3

Danforth	Murkowski	Wallop

So the amendment (No. 790) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 782, as amended and modified.

Without objection, amendment No. 782 is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we made good progress today. We have not had as many rollcalls but we have been working with a number of Senators and worked out a number of amendments which we will be able to handle later tonight that are agreed to on both sides.

In addition, we have an important amendment by the Senator from Arkansas, Senator PRYOR. I have looked at that amendment and I talked about it. It is on testing of SDI. I will recommend to our colleagues on the Republican side that we accept it. But we have not gotten that signoff yet from them.

The Senator from Nebraska may have switched sides. If he is now with the Republicans, we have a deal, I think.

(Laughter.)

I would say that after that the Senator from Arizona, Senator DECONCINI, has an amendment which I will not agree to. I will be opposed to it. But I will have a substitute. The question is whether the substitute might be able to be agreed on. I cannot say that.

So we have two amendments that I think we can dispose of in the not too distant future. I do not believe the Senator from Arizona wants to talk too long.

Mr. DECONCINI. If the Senator will yield, will it be a substitute?

Mr. NUNN. It will be a modification.

In any event, with these two amendments, then what I would like to do is to wrap up as many of the amendments that have been agreed to on both sides. I will stay here and any other Member who would like to stay here late tonight I will stay, and we will make sure if you have an amendment you think can be accepted we will stay in business until people have given us an opportunity to look at those amendments.

It is my view that we can complete this bill by sometime late tomorrow afternoon or tomorrow evening. I will leave it up to the majority leader as to how late we stay tomorrow night. But I do believe that we can finish this bill tomorrow night and it would be my hope that we would do so.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Does the Senator from Georgia yield?

Mr. DORGAN. Mr. President, would the Senator from Georgia yield?

Mr. NUNN. Yes.

Mr. DORGAN. Do I understand from the remarks of the Senator from Georgia that he would be anticipating additional rollcall votes this evening?

Mr. NUNN. It is impossible to say right now because I have not gotten agreement on the PRYOR amendment. We would hope to know in about 10 minutes on that and on the DECONCINI amendment. It depends on the substitute. I think the DECONCINI amendment, unless the modification is agreed to by the Senate, will require a rollcall vote.

Mr. DORGAN. I thank the Senator.

Mr. THURMOND. Mr. President, I have tremendous respect for our chairman. I have worked with him for years, and I admire him greatly. But I do not see any need to rush this bill. A number on both sides of the aisle I understand want to leave here tomorrow around lunchtime and we can come back here Monday and finish this bill up and get through it in a hurry. I do not see any need to discommode these people. Can we finish it Monday?

Mr. NUNN. I say to the Senator from South Carolina that I have been on the floor handling an awful lot of these defense bills in the last few years and I know he has also. My experience is if we do not finish the bill this week we will be in all of next week on the bill. I have never underestimated the ability of staff in this institution to think up new amendments faster than we can dispose of old amendments. I have watched it over and over again. The longer you keep a defense bill on the floor the more amendments there are.

We probably have something like 60 amendments now. My guess is about 30 of those are going to be able to be worked out. Three or 4 of them, maybe 5 or 6 of them, will require rollcall votes. That could easily be done in one day.

If we hold this bill off until Monday we will probably have 120 to 150 amendments by Monday morning. Then it depends on the majority leader.

I enjoy handling defense bills and I enjoy being on the floor. I am willing to be here all next week, but there are other matters of great importance to the Senate. So that is a matter for the majority leader to call. But the only way I would agree to go over to Monday myself would be if we locked out amendments and had an absolute ironclad number that we would be able to deal with. My experience is that there are a lot of amendments on this list that are going to evaporate about 3 or 4 o'clock tomorrow afternoon. But that is conjecture on my part.

Mr. THURMOND. Mr. President, as a matter of fact, could we just cut these amendments off?

Mr. NUNN. Senator, if the Senator will make the motion, I will second it, and we will see what the Senate does. But my experience tells me——

Mr. THURMOND. Just cut them off and come back here Monday and finish the bill. Just cut them off now.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I just want to say to my distinguished friend and colleague the last thing in my mind is inconveniencing the Members of the Senate.

I feel constrained to point out that we just returned from 4 weeks off. We have only been here in session a couple of days. We are only going to be in session a couple of days next week. Now we are already being asked to discontinue for this week. Pretty soon, we are going to have a Senate that meets between 2 and 4 a.m. once every other year. [Laughter.]

So we want, very seriously, to convenience as many Senators as possible, but we have to act on the appropriations bills prior to the end of this fiscal year. We have only a very few days left.

So my hope is that we could proceed and complete action on this bill this week. I hope we can do so. That means we will have to stay here for a while and work on it. I will talk with the chairman and the ranking member and the Republican leader about how best to proceed this evening. But I think it is essential that we be here tomorrow, and that Senators plan on being here for a long day tomorrow.

Mr. THURMOND. Are you not the one that wants to do this, and not the chairman? Are you not bringing pressure on him? That is the general rumor.

Mr. NUNN. I say that the chairman wants to finish this bill as much as the majority leader. I know the majority leader's situation. He has a lot of other bills to bring up. I know the Senator from South Carolina recognizes that if the authorization bill does not pass, we do not get to conference, and that the appropriations bills will basically come along without having the benefit of the guidance of the authorization process. So the longer this bill stays around here, the less relevant it becomes to the whole process.

Mr. THURMOND. Why do we not cut off all amendments and come back here Monday and finish it?

Mr. NUNN. If we could get the unanimous consent request, I would support it.

Mr. LEAHY. Would the Senator yield on this issue of schedule?

Mr. NUNN. Yes.

Mr. LEAHY. The Senator from Georgia and the Senator from Maine are absolutely right in trying to finish this bill up because of the appropriations bill. As chairman of the Foreign Operations Subcommittee, I must point out that we have an extraordinary problem coming up on the foreign aid bill, and which is that it contains both a supplemental and a regular bill. It has to be passed in this body, gone through conference, and the conference report passed by September 30, or half of the aid promised to Russia is gone. The aid to a number of other countries, including ones very much in the news tonight, is jeopardized.

It is a policy issue, and we may want to consider whether we go forward. There are a lot of other appropriations subcommittees I serve on. I think the Senator from Georgia would agree that one of our major security interests right now is our relationship with the former Soviet Union and what we might do in carrying out agreements supported by the Senator from Georgia, by the Senator from Kansas, the distinguished Republican leader, and others, on bipartisan support. But those agreements will not be carried out if we do not complete that legislation and have it signed by the President by September 30, and because of the unique nature of them. I suspect there are a lot of other bills like that.

While I would like to go home and go to bed and take off early for the weekend, I think we have to finish.

Mr. MITCHELL. Mr. President, I think it best that we proceed with the pending amendment and, as that is

being considered, I will discuss with the managers and the distinguished Republican leader how best to proceed in a way that moves our business forward and represents the least amount of inconvenience for Senators.

Mr. NUNN. Mr. President, I suggest we go to the Pryor amendment.

AMENDMENT NO. 791

(Purpose: To provide for the monitoring of tests of projects and activities relating to the ballistic missile defense of the United States)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 791.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Mr. PRYOR. Mr. President, my amendment addresses one of the major portions of the SDI Program, the Ballistic Missile Defense Program, and would require that future tests be monitored by independent monitors and testers appointed by the Secretary of Defense.

We think that this amendment is constructive. I talked today to the Under Secretary for Acquisition, John Deutch, and I do not want to say that he has endorsed this, but he certainly sounded interested in it. I think I can report that he said it was something that could be constructively utilized.

Mr. President, due to the allegations that I have received on SDI test results and the disturbing findings of the General Accounting Office, I am offering an amendment to the DOD authorization bill to hopefully improve the reliability of the test results reported by the Star Wars Program, or as it is now called, the National Missile Defense Program.

The GAO and the Secretary of Defense are still reviewing the allegations that the 1984 test was rigged for success. However, in September 1992, the GAO reported that misleading test results were reported by the Strategic Defense Initiative Organization for tests conducted from 1990 to 1992.

For example, the Strategic Defense Command claimed in a press release that a test of the kinetic kill vehicle integrated technology experiment [KITE] "validated the design of the shroud." In fact, GAO says the test reports show just the opposite. The "shroud broke off in pieces and hit the vehicle." In yet another test, SDIO was attempting to prove the ground-based interceptor could discriminate between targets. SDIO and the Strategic Defense Command claimed that the goal was achieved. GAO says this claim is inaccurate.

Mr. President, like many highly technical programs, it is difficult to fully understand scientific advances that are being developed constantly. Testing allows the program managers to understand what they have developed and where they need to go. A successful test is very often the measure that Congress uses when making funding determinations. A successful test is also one of the measures that the public uses to determine whether they support or oppose a Government program. It is essential that we be able to fully trust the test results reported to us by the Department of Defense, in fact, by all Government agencies.

The GAO report, plus the serious allegations I have received, completely undermine the trust we can place in the test results given us by the SDIO, now the BMDO. Therefore, my amendment requires the BMDO to notify the Secretary of Defense whenever a test is needed and the Secretary must appoint an independent body to oversee the test and evaluate the test results. The testing authority would not be removed from BMDO but there would be someone looking over their shoulder to ensure that the actual test results are the test results reported to Congress and the public at large.

Mr. President, I believe this amendment is not unduly burdensome but gives us some assurance that we can trust again when we are told that a program has been successful. I urge my colleagues to support my amendment.

Mr. THURMOND. Mr. President, the amendment of the Senator from Arkansas is largely meaningless in that it would set up a new independent test organization to oversee national missile defense tests conducted by the Ballistic Missile Defense Organization. The Senate's earlier decision to pass the Sasser amendment cutting $400 million from missile defense funding guarantees there will be no national missile defense. That is why I say the measure is meaningless—at least in terms of its practical effect.

But there is still an important principle involved in the consideration of this amendment. While I do not intend to engage in a lengthy battle over the amendment, I nevertheless want to address this fundamental principle before sheathing my sword.

Years ago, Congress established an independent Office of Operational Test and Evaluation to oversee all DOD testing. In other words, what the Senator from Arkansas proposes already exists. Why does he want to duplicate this fine organization?

I can think of only one explanation. This amendment is the result of a well-orchestrated disinformation campaign that began a few weeks ago with an article in the New York Times, then was picked up and run in other news media around the Nation. As Senators have already heard, the article alleged that the June 1984 homing overlay experiment was rigged, and was part of an operation to deceive the Soviets about the potential of our SDI Program. The article also claimed that Congress was deceived at the same time.

These allegations have been denied by former Secretary of Defense Caspar Weinberger, and by Gen. Eugene Fox, who directed the experiment. I am forced to ask whether my friend from Arkansas thinks those gentlemen, who have sterling reputations, deliberately deceived us, and then lied about it.

The Times article was based on a deep ignorance of missile defense technology, and on a clear misunderstanding of the test. The reporter ignored the evidence that did not fit his preconceived bias, and he relied on unnamed, hostile sources who he admits were not directly involved in the test.

Dr. Bill Perry, Deputy Secretary of Defense, briefed several members of the Armed Services Committee earlier on the facts of the homing overlay experiment. Dr. Perry said the allegations in the article are not just wrong, but dead wrong. Moreover, he reminded us that all the technical aspects of the experiment which the article misrepresented so badly were a matter of public record, so there was clearly no deception involved in the June 1984 intercept test. Secretary Aspin said the same thing in a lengthy statement. In light of such a flawed and shoddy piece of journalism, who is really guilty of deception? Is a falsehood no less a falsehood because it appears in the New York Times?

Mr. President, it is a shame that people are so opposed to missile defense for the American people—an effort this body began funding 30 years ago, by the

way, long before the homing overlay experiment—that they will even slander a U.S. Army officer and former Secretary of Defense to bolster their case. The experiment was not a scandal, but it is scandalous to accuse good people of lying without checking the facts with people who know the truth of the matter.

Thanks to the Times article and its aftermath, it now appears to be a crime to believe that the American people can and should be defended from ballistic missiles. Because of this so-called scandal, whipped up artificially just in time for Senate action on this bill, the Senator from Arkansas would have us set up an independent test organization for missile defense tests. He would create another layer of bureaucracy to make sure that BMDO does not deceive Congress.

It would have to be independent of the Defense Department, because the Pentagon has an agenda, and the Senator seems to believe people who have an agenda cannot be trusted to tell the truth. But if Congress can't trust the Pentagon to report test results, why should we trust a new group any more? What if they have an agenda? Does the Senator believe we would have better defense programs if we put people in charge who do not believe in their mission?

Mr. President, I now come back to the fundamental principle I mentioned earlier. I believe it would be a mockery of the legislative process to enact an amendment because of one article in a newspaper long known for its antidefense bias and bitter opposition to SDI. What confidence can the American people have in us, or the laws we pass, if we rush to embrace a punitive, unwise, and unnecessary amendment simply because of a discredited story in the New York Times?

Perhaps the Senator thinks we need this amendment to prove to the American people that the Congress is not easily deceived. But passing the amendment would do more to convince them we are gullible than anything we could do, for it is SDI opponents who have engaged in deception.

Mr. President, I urge the amendment be defeated, and yield the floor.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment. The amendment (No. 791) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 792

(Purpose: To increase funding for comprehensive substance abuse treatment programs for women and children)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HARKIN, and Mr. KENNEDY, proposes an amendment numbered 792.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, add the following new section:

SEC. 1067. DRUG TREATMENT FOR WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds the following:

(1) Despite the fact that drugs are having a devastating effect on families in America, drug-exposed babies and their substance-abusing mothers go largely untreated. Women who do seek treatmentoften face tremendous barriers to care, most notably the fear of prosecution for abuse or neglect or of losing children to protective services, and the lack of gender-specific treatment interventions, including inadequate child care services.

(2) The growing phenomenon of infants prenatally exposed to alcohol and other drugs is exacerbated by the inaccessibility of treatment for drug-addicted mothers. It is estimated that between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000.

(3) Mother-to-baby drug exposure comes at great economic and social cost to the Nation. Human costs can be measured by the problems of premature and low birth-weight infants, fetal alcohol syndrome/fetal alcohol effect, mental and developmental delays, and perinatal transmission of HIV and other sexually transmitted diseases. The United States ranks poorly among Western nations in infant mortality with maternal use of alcohol and other drugs thought to be a contributing factor.

(4) Currently there are 430,000 children in foster care. By 1995, this number is expected to increase to 550,000 children. A large portion of this increase in thought to be due to the introduction of crack cocaine in the mid 1980s and the increasing number of families who are abusing alcohol and other drugs.

(b) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense and which remain unobligated on October 1, 1993, $85,485,000 shall be rescinded and $50,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1994. Of such amount—

(1) $30,000,000 shall be available under section 510 of the Public Health Service Act (42 U.S.C. 290bb-3), of which—

(A) 50 percent of such amount shall be used for comprehensive residential treatment programs for women and children; and

(B) 50 percent of such amount shall be used for comprehensive outpatient treatment programs for women and children; and

(2) $20,000,000 shall be distributed to States pursuant to the formula under section 1933 of the Public Health Service Act (42 U.S.C. 300x-33) to be used by States towards their responsibility to provide treatment services for women under section 1922(c) of such Act (42 U.S.C. 300x-22(c)).

Mr. FORD. Will the Senator yield?

Mr. DECONCINI. Yes, I yield to the Senator.

Mr. FORD. Do we have a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. FORD. Mr. President, I understand the Senator is willing to accept an hour, equally divided.

Mr. DECONCINI. Well, if the Senator would just hold off a minute, the manager of the bill is in another conference and is going to come out and talk about that, as well. I think we can do that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, today I am joining with Senators KENNEDY and HARKIN to offer an amendment that would authorize the transfer of $50 million from the unobligated balance of funds available within the Department of Defense budget at the beginning of fiscal year 1994 to the Department of Health and Human Services to fund treatment programs for mothers and children.

In 1990, I stood before this body and offered a similar amendment that would have transferred $100 million from DOD to HHS for substance abuse treatment for families. I did so then—and I do so now—because I believe our national security is threatened today by an enemy within our very borders.

The substance abuse crisis in America cuts across lines of race and class. It infects not just our cities, but our suburbs and rural towns. It is a national tragedy that threatens to overwhelm our health care system, our overburdened foster care system, our system of education, our legal system—and our families.

According to a recent Columbia University report, one-fifth of all the Medicaid money we spend on hospital care is spent as a direct result of abuse of alcohol and drugs. If this same ratio is found to apply to all our health care spending, substance abuse is racking up a $200 billion a year medical bill.

Studies show 13 percent of breast cancers are due to alcohol abuse, 65 percent of strokes among younger Americans are related to either cigarettes or cocaine. Half of all children with pediatric AIDS are infected through their parents' IV drug use. Tuberculosis, once almost wiped out in this country, is staging a dramatic comeback, especially among IV drug users.

Substance abuse is threatening to overwhelm our foster care system, which already is overburdened. Currently, 430,000 children live in foster homes. By 1995, this number is expected to increase 22 percent—to 550,000 children. And the number one cause for the increase is drug abuse, particularly crack cocaine.

Drugs are also laying siege to our criminal justice system. Since 1980, the

U.S. prison population has increased 150 percent chiefly because of alcohol and other drug problems. Up to now our solution has been to spend more money and build more jails. And in spite of all our money and all our jails, our prisons remain overcrowded and our crime rates continue to soar.

Most importantly, drugs are having a devastating impact on our families, particularly on drug-dependent women and motherswho frequently do not have the resources for recovery available to them. The figures are staggering. It is estimated that 30–40 percent of cocaine addicts are women. The number of American women who came down with AIDS last year grew four times as fast as the number of men. Between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000. We see the human costs of drug and alcohol abuse in premature and low-birth weight infants; in fetal alcohol syndrome—the leading known cause of mental retardation in the western world; in the prenatal transmission of HIV in the linkage between substance abuse and sexual abuse and domestic violence. The United States ranks poorly among Western nations in infant mortality. Maternal use of alcohol and other drugs is a major factor.

The problem is explosive, and it is getting bigger for the pure and simple reason we do not have enough treatment programs in this country, especially for women. Women and children are still at the bottom of the totem pole in the treatment services that are delivered. In one national study it is estimated that less than 11 percent of substance-abusing pregnant women get the treatment they need. Of the women who do get treatment, only a fraction receive comprehensive care from treatment programs specifically designed to meet women's needs.

I want to close with this chart, which speaks to the heart of that old saying, "penny-wise and pound-foolish." I want to stress that these are conservative figures, and the figures speak for themselves. The cost of providing hospital care for newborns prenatally exposed to crack cocaine is $500 million a year. This is a low-ball figure which does not include babies affected by drugs other than crack. It does not include babies affected with Fetal Alcohol Syndrome which adds almost $100 to the cost of every birth in the United States. It does not include the cost of so-called boarder babies—infants abandoned in the hospital by their mother, many of whom abuse alcohol and other drugs. The average stay for a boarder baby is 4 months, at a cost of $35,000 per baby.

Preschool costs for these babies who require special care is another $850 million. This does not even touch the amount we will spend to get the most severely impaired through high school—a cost estimated at $750,000 per child.

Foster care costs add up to a whopping $1.3 billion. This is one-third of all the Federal money we spend on foster care. This is the cost of placing 43,000 children in foster care each year who were exposed to alcohol or other drugs before birth.

The last bar represents what the Federal Government spends each year on treatment programs specifically designed to meet the needs of women and children. Just $100 million. This is less than one percent of our Federal drug budget. Lessthan 1 percent of the Federal drug budget.

Mr. President, I think this chart speaks for itself. The amendment before us today will increase the money we spend on programs which directly and comprehensively address the treatment needs of women and children. Specifically, it will increase by $20 million the substance abuse block grant set-aside for women—money that will go directly to the States for treatment services for women and children. It will increase funding for comprehensive residential treatment programs for women and children by $15 million. And it will fund for the first time ever comprehensive outpatient treatment for women and children. At this time not one Federal dollar goes for comprehensive outpatient services for women. Residential treatment is not the answer for every family and it is high time that the Federal Government put needed dollars into outpatient services for families.

This amendment is endorsed by a number of organizations, including the Children's Defense Fund, the Child Welfare League of America, the Legal Action Center, the National Association of State Alcohol and Drug Abuse Directors, the National Council on Alcoholism and Drug Dependence, NAPARE, and the Therapeutic Communities of America.

Mr. President, I repeat: We are facing a problem which has the potential to bankrupt this Nation. The problem affects not just those individuals and families who abuse drugs, but ultimately all of us who must pay for the consequences of substance abuse. It is a problem which impacts the very fabric of this Nation—our health care system, our educational system, our child welfare system, our legal system—and the crisis will only get worse. I call on my colleagues to support this, Mr. President. It is important to note some facts here.

The defense budget for 1994 will be approximately $260 billion; that is $260 billion. It is very close to what this country spent during the cold war era between the Korean and Vietnam wars, in between the Vietnam war and the Reagan-Bush unprecedented military buildup.

If $260 billion per year was needed from 1955 to 1965 and from 1972 to 1980 to stop the Soviet Warsaw Pact threat, why do we still need $260 billion every year when the Soviet threat is literally gone?

The DOD, the Department of Defense, unobligated funds are estimated to be about $46.4 billion at the end of fiscal year 1993. HHS unobligated funds are estimated to be less than $3.4 billion at the end of fiscal year 1993, with this amount decreasing to $160 million at the end of fiscal year 1994.

In addition, most HHS programs have a high spend-out rate, much higher than the DOD program. HHS funds are all spent by the end of the second year, and money traditionally is never returned to the Treasury.

Let me address the issue of why we are using a Defense bill for doing something on drugs. This body and the President made that judgment back in 1989 where we authorized and appropriated $300 million from the defense budget to help fund the Anti-Drug Abuse Act of 1988. This year we are spending $1.147 billion on antidrug activities. So we have a precedent for this action today. As a matter of fact, the Senator from Georgia was instrumental in passing the 1989 Anti-Drug Abuse Act, the 1988 bill, which placed firmly our defense establishment and capabilities and resources in the war against drugs.

The Senator from Georgia worked hard to pass that bill, as did many of us here, to see that some defense dollars were put into the war against drugs, and I am pleased that has happened and that the Defense authorization committee has continued over the years to increase that. Many of us have urged that more and more be done. I am only asking that $50 million of unobligated funds, funds that have not and will not be spent by the end of this fiscal year, be set aside for treatment of women and infants.

In my State of Arizona there is a small project now underway at a treatment center called Amity, and that center takes in mothers and children or pregnant women who are cocaine addicts or drug addicts. They live together, have their child there, and then live together and learn how to cope with this particular problem. It is a difficult problem.

I was just there last week, talking to the mothers who have had their babies or come in with their babies and the babies are cured. They are not drug addicts. The mothers are on their way to being rehabilitated. Many of them already have been. They are getting their high school education. They are getting training. They are starting to find out what it is to be a mother, to care for a sick child or a drug-addicted child, and to care for themselves.

So, once they can heal themselves, then they have a chance to bring this child on.

Of course, what happens to them is they realize that this is not the way of

life that they want to be involved in and they realize that there is a different way of life that many of them never thought even existed.

These are women who have been abused in their homes when they were children, abused by their relationship with men and with women, abused in so many different ways that they have forgotten what it is to be a real individual of society. And they take pride in this program. This program costs a few hundred thousand dollars, where they can come and live in security, in safety, be with their children, receive counseling, and secure their self-confidence in themselves and proceed on with the capabilities of living what we would like to think is a normal life.

So, Mr. President, I am hopeful that the chairman of the committee and the ranking member and now the managing Senator from Mississippi might agree to this amendment. I understand the Senator from Georgia may have some substitute or a modification. In lieu of waiting for him to come back, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I did not hear all of the explanation of the Senator from Arizona, but he and I have talked about this amendment. It is my understanding, and the Senator can correct me if I am wrong, that the DeConcini amendment basically makes available $50 million in funds from the unobligated balances of the Department of Defense for the purpose of drug treatment.

Mr. DECONCINI. The Senator is correct.

Mr. NUNN. I believe that drug treatment is directed toward——

Mr. DECONCINI. Women and children.

Mr. NUNN. Mr. President, I think everybody in this body would like to see more money available for drug treatment of women and children. My problem is that the Defense budget is coming down at a very strong rate. I am very concerned about the rate at which we are reducing defense. I am concerned about the jobs. I am concerned about the morale of the men and women in uniform, as well as the civilian workers. I am concerned about, bottom line, the national security and what we may be doing to it unintentionally, in good faith.

Therefore, I oppose the DeConcini amendment as it is now presented. All of this money would come out of defense. If we have a high priority on drug treatment—and I would certainly share the Senator's view that that is a very high priority and Senator MOYNIHAN and I, when we chaired the drug task force several years ago, we stated then unequivocally we felt drug treatment and education should have about 50 percent of all drug enforcement money, and law enforcement should have about 50 percent. We have come nowhere near that goal.

So I am on board philosophically with the Senator. My problem is I do not want to see the Defense budget of the United States continue to be raided for every purpose, no matter how noble, because the bottom line is there is no more important responsibility to the Federal Government under the U.S. Constitution than the national security.

So what I am proposing and will propose, and I talked with the Senator about this and I hope he will agree to it, is that we take this amendment that would basically have the same amount of money for the same purpose as desired by the Senator from Arizona, but we take it out across the board of all unobligated balances in the Government. This would mean that Defense would have a part of but not all of the $50 million cut. This then puts it in a situation where all unobligated balances would be totaled up on discretionary funds—this would not include the trust funds—and Defense and others would take their proportionate share of the $50 million in proportion to their overall share of the unobligated balances.

AMENDMENT NO. 793 TO AMENDMENT NO. 792

Mr. NUNN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 793 to amendment No. 792.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 5 through 11 and insert in lieu thereof the following:

"(b) TRANSFER OF FUNDS.—

(1) The Director of the Office of Management and Budget shall transfer $50,000,000 from the funds appropriated for any discretionary programs, projects or activities which remain unobligated and available to all departments and agencies of the executive branch of the federal government as of October 1, 1993 as provided in paragraph (2).

(2) The amount authorized to be transferred from the unobligated balances of any department or agency pursuant to paragraph (1) shall be an amount which bears the same ratio to $50,000,000 as the amount of unobligated funds of that department or agency on October 1, 1993 bears to the total amount of unobligated funds for the discretionary programs of all departments and agencies of the executive branch on October 1, 1993.

(c) ALLOCATION OF FUNDS.—Of that amount—"

Mr. NUNN. Mr. President, I yield to the Senator from Arizona.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, what the Senator is offering is a reasonable alternative, and I do want to reiterate as I said when he was not here, the Senator was extremely instrumental in 1988 in passing the Anti-Drug Abuse Act where it set the precedent for $300 million in that year of appropriated funds from the defense budget would be spent on drug treatment and enforcement.

Since then, that has risen with the leadership of both the Senator from South Carolina, the Senator from Virginia and, of course, the chairman, Senator NUNN, to $1.147 billion today.

What the Senator is suggesting is that every account at the end of this fiscal year would share a proportionate share of the transfer of the $50 million. The sheet I have from OMB shows, for instance, an unobligated balance as of today in defense of roughly $46 billion; an unobligated balance in the Department of Health and Human Services of $3 billion; an unobligated balance in Housing and Urban Development of $30 billion; an unobligated balance in Transportation of 13; Department of Treasury, 35. Each of these will give a proportionate share toward this $50 million of transfer; is that my understanding, as I read the amendment?

Mr. NUNN. The Senator is correct.

Mr. DECONCINI. Mr. President, I thank the Senator from Georgia for his willingness to work out an effort here that would actually see some money transferred and would hope that the Senator could stay committed to this in conference because I think we really have an opportunity here to make a substantial increase in the effectiveness of the programs that do work with mothers and children who are cocaine and other drug addicts. I am willing certainly to accept that amendment and perhaps my amendment would be accepted. If not, I would like a vote on it.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, in view of the fact that the distinguished Senator from Arizona has agreed to the second-degree amendment of Senator NUNN, I am willing to go along with that and adopt it on that basis.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not sure I am going to object to the amendment, and I do not even expect my friend from Georgia to answer this question, but it does seem to me the Senate ought to know this is very unusual. Which subcommittee is going to

be charged for this money as we appropriate this $50 million, if we do? Is it coming out of defense?

I thought the purpose was so it would not get charged to defense. If it is not going to get charged to defense, when the appropriators put the 13 categories together, put the money in, are we now to expect that authorizing bills can come along and direct us in the Appropriations Committee to take a little bit out of every Appropriations Committee and the allocated funds? I do not quite really understand.

On the other hand, I do share a couple of Senator NUNN's thoughts here. We just cannot keep on, no matter how noble theprogram, reducing defense substantially more than the President has reduced it.

Many of us were worried it was on far too fast a track when he recommended his extra $120 billion in cuts over 5 years. Now we can come along and a little bit at a time say here is a good program. It sort of looks a little like defense and it has some defense problems, so let us pay for a social program out of defense.

My friend from Arizona has been one who, on this issue, does not take a back seat. This is something he has been worried about. He works on it all the time. He plugs away at it. He is doing that here tonight, and I have no criticism. But I do think in an authorizing bill to authorize that money to come out of all the obligated accounts of the Government on a defense authorization bill, I do not necessarily think it is subject to a point of order, but it surely sounds funny and from my standpoint, at this late hour, I am not going to do any more than lay this issue before the Senate. But clearly I can see this is a new approach to authorizing without any real sense of where the money is coming from.

So having said that, in deference to the chairman and the Senator from Arizona, I am not going to object or raise a point of order, or see if it is subject to one but, frankly, I am not going to sit by on very many more authorization bills and watch this kind of thing happen. Second, there is no assurance it would get appropriated in any event.

Mr. WARNER. Mr. President, could I make a brief response to the Senator?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The discussions that led to the recommendation by the chairman and the ranking member for the substitute amendment, it was made clear that this was done once before and, therefore, you said it might be a new start. It was done one time before, and that was brought to our attention.

Mr. DOMENICI. I think it was done on a $300 million item that everybody agreed on and the then President agreed upon and everybody knew what it was going to exactly do to defense if that is the precedent. I understand it and know that, but I can see the floodgates kind of coming. I just wanted to be there a little bit with my finger saying I do not like the idea.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I normally do not like the idea, and I am going to oppose it. We may or may not have done this before. If we did, sometimes these things get done without every Member being aware of what is going on. We are so strapped for time and so fragmented and fractionated in the subject matters to which we have to give our attention. So I cannot verify whether or not it has been done before. But we are all fully aware that it is being done now. This is a very bad thing to do, and I do not intend to support this and I intend to talk about it awhile in the event that it is pressed.

I will not say more just now in the hope that we will withdraw this amendment. I have studied the amendment by Mr. DECONCINI, and I have another problem with it. If it purports to shift funds from defense to domestic discretionary and thus increase the allocation for the subcommittee, the jurisdiction of which would be affected by the Senator's amendment, I would have to oppose that as well.

So I suggest that we either go to another amendment at this time or go into a quorum until we can kind of get our bearings and not shipwreck this important effort to bring this action on this bill to a close.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I do not quarrel with the Senator from West Virginia. And if we have enough Members in this body who are willing to vote to not take this money out of defense, then I would certainly join with the Senator.

My experience last year was that we had a similar amendment where we had an effort to shift $200 million from defense to cancer research. I was opposed to that amendment. And the body here voted for it overwhelmingly. That to me was an extremely bad precedent.

What I would say to the Senator from West Virginia, I believe that the second-degree amendment is preferable to the first-degree amendment. If you ask the Senator from Georgia his opinion, I would prefer that neither amendment pass. But if we are going to pass something on this subject, I think it is important that it be shared across the board and not taken strictly out of defense.

I would suggest, though, that we have a number of other amendments that we can accept tonight, and I think we would be well served to set this amendment aside, let us move to those amendments that can be agreed to with the DeConcini amendment and the second-degree amendment to that which is now pending recur tomorrow morning.

I ask the Senator from West Virginia if he would agree to that course of action.

Mr. BYRD. Mr. President, I am willing to move to table the underlying amendment which will carry both amendments with it. If that tabling motion fails, then we are in the soup. I shall not do that at the moment.

Let me call attention, if the Senator will yield without losing his right to the floor, we are saying, if this amendment is adopted, to the Director of OMB you are the head appropriator around here. You transfer $50 million from the funds appropriated for any discretionary programs—any of them. You make your choice. You are the big boy. You are the king. You take $50 million out of any discretionary program you want. Take it out of the items of the Senator from Kentucky——

Mr. FORD. I do not have any left.

Mr. BYRD. Or the Senator from Maine or the Senator from Georgia.

Mr. NUNN. Will the Senator yield on that?

Mr. BYRD. Yes.

Mr. NUNN. I have to correct the Senator. That is not what this amendment does. I would still prefer no amendment at all, as I have said to Senator DECONCINI and I have said to others. This amendment carefully follows the procedure we worked out before to avoid the very problem the Senator from West Virginia has described by making this a proportionate cut. The OMB Director would have no discretion here. He would have to make the cut across the board in proportion to the unobligated balances.

So it would be the Senate and the House, if the House agreed in conference to this, that would be making that choice and not OMB.

Mr. BYRD. Mr. President, will the Senator yield further without losing his right to the floor?

Mr. NUNN. Yes.

Mr. BYRD. The Senator is correct. I had not read paragraph 2. My eyes had gone blank when I read paragraph 1. But what the Senator says does not cure the problem. We are saying the Director of the Office of Management and Budget shall transfer $50 million from the funds appropriated for any discretionary programs. Now, when you do this, it has to be done in an amount which bears the same ratio to $50 million as the amount of unobligated funds to that department or agency on October 1 bears to the total amount. That is right, is it not, I ask the Senator?

Mr. NUNN. Correct.

Mr. BYRD. I am not willing to give this office, this OMB Director, or any other, or anybody else outside this Senate, that kind of authority. If the Senate wants to do that, wants to give its power of the purse away to that extent, then open the gates because we will do it again and again.

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Mr. President, I counted on living a while longer, but if the Senate is going to do this it is going to do it over my dead body. So that terminates my life rather quickly.

Mr. DECONCINI. Will the Senator from West Virginia yield?

Mr. BYRD. The Senator from Georgia has the floor.

Mr. NUNN. I say to my friend from West Virginia that I would like to see the Senate make up its mind it is not going to transfer any more money.

Mr. BYRD. Right. Let us do it.

Mr. NUNN. I have opposed amendments and opposed amendments and opposed administration and opposed administration and watched time after time, particularly this year but in the Bush administration, the same thing happen. Again and again the amendments come up and the Senate votes to take money and put it elsewhere.

As the Senator from West Virginia will recall—and he and I were on the other side on this particular amendment—what I wanted to do and what we passed as a sense-of-the-Senate resolution this year would have cured this problem I think pretty significantly. That would be if we took money out of defense, if we cut money out of defense, then it would go to the deficit. It would not be able to be transferred to other programs.

The Senate of the United States went on record twice this year to do that. But then we voted on a procedural question where you had to have 60 votes and the walls came tumbling down. So now that the walls are tumbling down—and I opposed that—the Senate of the United States by majority opposed taking the walls down, but not by the 60 votes required under our rather tricky budget procedures now.

So what happened was the walls came tumbling down and now this defense bill is wide open to transferring money from defense to any other source.

We would cure the problem quickly by putting the walls back up, and then we would have any money taken out of defense—and I think there certainly can be defense cuts. We made a significant one here today. I did not vote with the majority but the majority prevailed. And if that money were to go to deficit reduction, then I think the taxpayers would be well served.

But what we have here is an open invitation for a raid on the defense budget. And even though sometimes it is done in this Chamber, it can also be done, I say in respect to the chairman of the Appropriations Committee, my good friend from West Virginia, it can be done by the chairman of the Appropriations Committee in allocating different funds to his subcommittees, and that is not an action that is taken by the Senate or House. That is an action taken by one committee.

So the problem is, the basic problem here that gives rise to this is that we have an open invitation to take money out of defense and to transfer it to other accounts.

This is just one way to do it. There are other ways that it has already been done, and I can cite by tomorrow morning to the Senator from West Virginia how this has been done in the appropriations process, how it has been done by the administration, how it has been done by OMB. I, frankly, am fed up with it.

If the Senator can prevail on a tabling of the underlying amendment, then I would vote with him. I would vote with him. I hope we would all stand together and say we are not going to take any money out of defense unless it goes to the deficit.

I am not saying every dime in defense is sacred. I am not saying that we cannot find money out of a $260 billion defense bill, but what I am saying is let us not go home and talk about curing the deficit if everybody knows what we are going to do time after time is take the money and transfer it.

So what I am trying to do—having observed this body in the past, would be willing to vote, for instance, $200 million out of defense for breast cancer—and I believe the vote was what, 89 to 4—89 to 4—having watched that and seen the knees buckle any time there is a worthy program mentioned that everybody is in favor of, it is my experience that as chairman of the committee I have to try to minimize the damage. I will be absolutely frank. This second-degree amendment is to try to minimize the damage.

Mr. DECONCINI. Will the Senator from Georgia yield?

Mr. NUNN. I will be glad to yield to the Senator.

Mr. DECONCINI. I thank the Senator. I just want to underscore to the Senator from West Virginia, I understand his prerogatives here and his concern. This is not the first time we have visited this particular issue.

In 1990, before the walls were there, which took the so-called super majority, such an amendment was before the Senate, almost identical to this, only it was $100 million at the time. And there was a motion then to table the amendment, and I am sorry to say the motion to table carried 51 to 48. I did not offer the amendment last year because of the walls. I did not think I could get the votes.

But some of us feel that the defense budget could easily take another $350 million to be used for women's and children's and drug treatment programs. That is what this does. So we are asking the Senate, whether it is a motion to table or up-or-down vote or as the second-degree amendment by the Senator from Georgia, to set an allocation here that out of a $260 billion bill can we take $50 million more and spend it on women and children who are drug addicts.

It seems to me very clear that you cannot without raiding the cupboard, without ruining our national security, and, yes, that ought to be a judgment here for this body, to determine whether or not that is a priority. In my judgment, it is. I wish we had done it back in 1990. We would have less crack babies today; we would have less mothers back on the street committing crimes, because there are some programs that have and are in place today that take mothers who are pregnant and mothers who have children, who are cocaine and heroin addicts, and let them live together in communities and be raised in a society that is different than they have ever known.

And what is the result? You know what the result is? It is a difference of their whole life. The children are no longer addicts; the mothers are at least on the verge of being cured—and many of them are. Some of them hold jobs. It is a matter of allocation.

There is nobody I respect more than the Senator from West Virginia and understand his prerogative and his carefulness as to protecting the appropriations process. I honor that and I do not just tromp on it or do it without careful thought. But it just occurs to me that now is the time when we have ample precedent of using defense funds—using defense funds—for the war on drugs, whether it is enforcement, the interdiction program, or whether it is treatment or education.

So if we have to have the motion to table, I understand the Senator from West Virginia's concern and I understand the Senator from Georgia. He did not want to take my amendment. He said "I will have to oppose it." But he said I may offer a substitute or second-degree. Obviously, he has the right to do that.

I thank the Senator from Georgia for yielding.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I have no interest in having the Senator yield to me. I have an interest in getting the floor.

Would the Senator indicate when I might get the floor?

Mr. NUNN. I will be glad to give up the floor in just a few minutes. I want to yield to my friend from New Mexico first.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Senator for yielding. I will not be long as I said to the Senator from West Virginia.

First, let me say to the chairman that I stand squarely with him in the observation on this issue. I stated my point about my concern a while ago. With the passage of each 5 minutes around here, I get more concerned because more things come to my mind.

Let me suggest this. Actually, aside from the part about the walls and the

issue that you have raised with reference to that, the situation is even more serious than that because the law of the land today is there are no laws.

So the Appropriations Committee does its work and in this case this year decided that they wanted to allocate less money to defense than the President asked for. That is their prerogative under the Budget Act and under the allocation of money to the 13 standing committees.

So they made that decision and these bills that are coming by are all responding to those allocations.

What really is disturbing is that after that is done and defense is reduced in that way, that we come along in a defense authorization bill and say let us cut it more by finding a function for defense money that is not defense but putting it on the defense bill.

And the question then comes, who gets charged for that money? Is it a defense function? Or is it where it properly belongs in labor, health, and human services?

Mr. NUNN. I say to the Senator the way this amendment is proposed, I am informed it would be charged to defense. This would be a direct charge to defense. The charge would be the difference in outlays. Budget authority is break even. The difference in outlays is something like $50 million and $48 million out of which is about a $2 million charge, direct charge, to defense of about $2 million.

Mr. DOMENICI. So my last observation—I am not at all sure that the Senator from Georgia has to respond to it, but it seems to me that you come here on an amendment that says here is a good social program, it is a good cause, and it is an establishment of priorities. We established the priorities. The priorities were established when we allocated the 13 functions of Government with dollars alongside of it and then we come along and we say here you have another good social program and it ought to come out of defense.

Mr. NUNN. If I could say to my friend from New Mexico, what we are hearing now is if the appropriators are going to join in with the Armed Services Committee to oppose the transfer out of defense to domestic programs in the full Senate, then I am going to vote with the appropriators who make the motion to table.

If there is a motion to table the underlying amendment even though it would take my second degree, I plan to support the Senator from West Virginia. I hope we can get a majority vote. If we get a majority vote, it will be a turnaround. This body will be turning around what it has been doing for the 2 or 3 years. I hope we do it on every amendment to ship money out of defense. I will voice that strong view and will vote on the appropriations and the authorization bill. I think this would be a remarkable development. And I hope it happens.

Mr. DOMENICI. I thank the Senator. Not that I need to do this in advance, but my vote will be that way.

Mr. NUNN. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not want the record to stand as being this Senator's understanding of what we have been doing. I do not want the record to stand that this Senator understands what we have been doing as being in accordance with what the distinguished Senator from Georgia has just said we have been doing.

My opposition to this amendment is because it says to the Office of Management and Budget, the Director thereof, you do the appropriating. And may I say to my distinguished friend from Georgia, this Senate has already voted and the House also and the President signed the bill as to when the walls would come tumbling down. Senators already made that decision, that the walls will be down in fiscal year 1994. So I am not objecting.

As a matter of fact, I as chairman of the appropriations Committee have a right to make the allocations under the rule, and in making those allocations I can take money now that the walls are down from defense and give it to subcommittees that handle domestic discretionary matters.

I am not objecting to that. That is my right under thelegislation we all passed in the Budget Act. This was hewed out in 1990. So I do not regret that may I say to the Senator from Georgia. That is not what I am talking about here. I am talking about two things. When we transfer moneys out of defense and put them in the jurisdiction of the Interior Subcommittee or the other subcommittees that handle domestic, if we disturb the allocations and raise those allocations above the allocations which I recommended and the Senate voted on, then that raises a point of order.

So we have two problems here in mind. If we are going to shift money from defense to other subcommittees and raise their allocations over and above the allocations which were distributed to them by the chairman and voted on by the Senate, or at least will be voted on if those allocations go above the mark, that is a 60-vote point of order. If you are telling the Appropriations Committee that is what it would have to do, it would have a 60-vote point of order. I do not favor that. I make no apologies for distributing the money as I have seen fit to distribute. I do not have but so much money to go around. I try to be fair to all subcommittees.

But in 1990, we said that after fiscal year 1993 the walls are down.

If I may have the Senator's attention, if the distinguished Senator from Georgia thinks that I am coming to the altar tonight to confess my sins in having voted for the walls coming down, that is not what I am confessing at all. The Senate has already made that decision. The walls are down.

Mr. NUNN. Mr. President, if the Senator from West Virginia will yield, I do not in any way think the Senator is confessing to any sin. I do not know of any sin the committee chairman and the Senator from West Virginia has committed. So I am not asking nor implying any.

I am saying that the Senate of the United State voted twice for the walls not to come down by majority vote. The rules require 60 votes. The very intricate rules of the Budget Committee in effect were changed when the budget reconciliation came back. The Senate voted for that. In my view, the majority of the Senate never intended that to happen, but it did happen. It has happened. The Senate has acted. The Senator from West Virginia is basically within his right to do what he is doing. I am in no way implying otherwise.

I think it is bad government to have no walls, but that is a matter of disagreement. I think it is bad for national security and bad for the taxpayers, because instead of cutting defense for the deficit purposes, the money is going to be cut over and over again to be shifted.

But my point in no way implies or intended to imply that the Senator from West Virginia has not acted within his rights. I do not have to agree with the procedure of the Senate in taking down the walls. We have an honest disagreement.

Mr. BYRD. I understand the Senator's opposition to moving money from defense into discretionary subcommittee jurisdiction. I understand that and respect it. But the 60-vote point of order was in that 1990 budget agreement because I insisted on it. I insisted on having that kind of point of order to make the Senate and the House live up to the agreement, and it would give us an instrument by which we would discipline ourselves and make ourselves live up to that agreement. So you have to have 60 votes to break it.

It is also at my insistence that if the subcommittees exceed their allocations, there would be a 60-vote point of order on that score. I am glad the walls have come down.

I say further to my good friend from Georgia that if he can show me anywhere, in the morning, as he says, or now, or at any other time, where this Senator has supported any amendment that does what this amendment does, I will eat his coat right here in the Senate in front of everybody.

Show me where I have supported an amendment that says that the Director of the Office of Management and Budget shall transfer $50 million from the

funds appropriated for any discretionary programs.

Mr. NUNN. I say to the Senator from West Virginia that I will try to do that tomorrow morning, and I will be very careful what coat I put on when I dress. I will try to get that information.

It is my recollection that it was in 1989 that we worked it out carefully with the Senator from West Virginia, and the Senator from West Virginia suggested that we do it proportionately, so that there would be no discretion by the head of the Office of Management and Budget.

The Senator has been consistent because he objected at that time to taking it out of unobligated balances and giving any discretion to the head of OMB. But it is my recollection—and I will make sure this is correct tomorrow morning; I would not want to say I am certain now.

My vague recollection is that we accepted the formula of the Senator to prevent that by saying it was proportionate. I believe that formula was suggested by the Senator from West Virginia and incorporated in an amendment. It was amendment vote No. 51, votes on S. 1352, the National Defense Authorization Act, 1990–1991, and this was a Harkin amendment on drug funding. On this amendment, there were 90 yeas and 9 nays, with Senator BYRD and Senator NUNN voting in the affirmative.

Mr. BYRD. Let us see the wording of the amendment. Lay it down beside this amendment, and let us remember that was in 1989, before the budget agreement in 1990.

Mr. NUNN. I will be glad to read it.

It says:

Of the unobligated funds available to all Departments and Agencies of the executive branch of Government at the end of fiscal year 1989, from funds appropriated for defense and nondefense discretionary programs, $1.7 billion, as provided in subsection (b), is authorized to be transferred for the purpose of carrying out, during fiscal year 1990, the Anti-Drug Abuse Act of 1988, and the amendments made by such act.

This is the second part, which corresponds exactly to that amendment we have:

Part (b): The amount authorized to be transferred from the unobligated funds of any Department or Agency, pursuant to subsection (a), shall be an amount which bears the same ratio to $1.7 billion as the amount of unobligated funds of that Department or Agency at the end of fiscal year 1989 bears to the total amount of unobligated funds of all Departments and Agencies for the executive branch at the end of such fiscal year from funds appropriated for defense and nondiscretionary programs.

This is the amendment we both voted for. It is my recollection that the Senator suggested this formula to avoid the problem he described tonight, originally, of giving the OMB that kind of authority. This takes away the authority of the Office of Management and Budget, because it does it across the board. They have no discretion.

This is the exact amendment this was patterned after, and we did vote for it in 1989.

Mr. BYRD. Does that amendment direct that the Director of OMB shall make the transfer?

Mr. NUNN. I do not believe it had a person. It just made the directive by law to the executive branch.

Mr. BYRD. There is quite a difference.

Mr. NUNN. I do not know who else would do it other than OMB.

Mr. BYRD. I do not think we need to quibble with that. In the first place, we have a budget agreement now that we all voted for in the Senate that changed things drastically from 1989.

Mr. NUNN. I was responding to the Senator's question about whether the Senator had ever voted for this kind of amendment.

Mr. BYRD. I do not think I have. I do not think the Senate approved that the Director of the OMB shall transfer x amount of money from the funds appropriated for any discretionary programs, projects, or activities which remain unobligated and available to all Departments and Agencies to the executive branch of the Federal Government.

Mr. President, my memory is a pretty good one. It is not infallible.

Mr. NUNN. If I may say to the Senator from West Virginia, I will give him this amendment, and I will say that the difference is very slight.

The Senator from West Virginia did sponsor this with myself and Senator WARNER.

Mr. BYRD. I ask, what difference does it make? If the Senator shoots at me and misses me very slightly, by half an inch, he might as well have missed it by a mile.

Mr. NUNN. I say that the Senator from Georgia is not shooting at the Senator. And having on a coat that I treasure, I would be delighted if I missed slightly. That would be the best of all worlds.

Mr. BYRD. Let me tell the Senator what I usually do when I get a little bit tense. I have a picture I always pull out and look at of my little dog, Billy. It relieves all of the tension, and I break out in a smile.

Mr. MITCHELL. Mr. President, will the Senator yield for an inquiry?

Mr. BYRD. Yes.

Mr. MITCHELL. Mr. President, this has been, I think, for all Senators, a very informative discussion. I believe both the chairman of the Appropriations Committee and the chairman of the Armed Services Committee, as well as my colleague from Arizona, presented information to the Senate that will be useful in the disposition of this amendment.

The distinguished Senator from West Virginia earlier in this discussion stated that he intended to move to table the underlying amendment. He correctly noted that, if the motion to table prevails, the underlying amendment and the second degree amendment of the Senator from Georgia would go down.

I inquire of the Senator from Arizona and the Senator from West Virginia and the Senator from Georgia whether it would be possible, if that is going to occur, in view of the hour, to have it occur promptly so that we could then dispose of, or at least see whether it is possible to dispose of, this matter one way or the other and then proceed to determine how we are going to get on with the rest of this bill.

Obviously, I do not want to cut off anybody or encourage anybody who has something more to add not to do so. But I think it is 10:20 and, if that is going to occur, if the Senator from Arizona does not object to that, if the Senator from Georgia does not object to that, and if Senator from West Virgina does not object to that, we should go to a vote.

Mr. BYRD. I intend to make that motion shortly, unless the majority leader feels it is so late we should not impose upon Senators who already left the Hill.

Mr. MITCHELL. Senators have been on plenty of notice that we are going to proceed.

I fear, Mr. President, that, if we delay it until tomorrow, what would take 10 minutes tonight would take several hours tomorrow.

Mr. DECONCINI. Will the Senator from West Virginia yield without losing his right to the floor?

Mr. BYRD. Yes.

Mr. DECONCINI. Mr. President, the Senator from West Virginia does not have to have any concurrence of mine to move to table the underlying amendment at any time. That is exactly what happened before. It was not the Senator from West Virginia, but it was tabled in 1990, and the Senator from West Virginia voted to table it and so did the Senator from Georgia.

I had anticipated that, quite frankly, because the Senator from Georgia, when I talked to him yesterday about it, said, "I am going to oppose your amendment." He did not say he was going to table it, but I understood that was what he was probably going to do.

In the course of working on the amendment today, he came up with a second-degree amendment, which was agreeable to me. The reason it was agreeable to me is because it establishes $50 million for treatment of women and children who are drug addicts. That is the objective here.

The reason I am offering this on this particular bill is because I believe we have an opportunity to see some priorities, and, as has been pointed out in the debate here, there is ample precedent for it. Maybe we do not want to do it. That is a judgment call. We are all big boys and girls and we can make

that judgment. But there is precedent for it. We did it back in 1988. We did it on the Drug Abuse Act of 1988, where we clearly established that we were going to use defense dollars for the war on drugs. Now that was a little bit different because we set it up as a part of the original authorization bill, that there would be a transfer.

The authorization bill before us already has $1.4 billion, I believe, in it for the war on drugs. I am asking that we add $50 million for treatment of woman and children.

So I am prepared, of course to vote. I hope my colleagues will not vote to table. I think it would be a very clear statement of where our priorities are.

I do not think it is going to cause any great damage to our national security at all. As a matter of fact, I think that it would enhance our national security and enhance the better treatment of people in this country that can be much better spent here. Because let me just remind you, there are $46 billion of unobligated funds that have not been spent this fiscal year. We are asking for $50 million for woman and children in drug treatment plans.

This affects your criminal justice systems, your Medicare system, your health care systems all across the country. It is a good investment, I say to my colleagues.

I thank the gentleman from West Virginia for yielding.

Mr. BYRD. Mr. President, I will close shortly.

I believe that the walls should be down, that they are down in accordance with the provisions of the 1990 Budget Enforcement Act. I am not sorry for that and I am not voting to reinstitute the wall.

Second, I do not now, and I do not think I ever have, intend to knowingly vote for an amendment or legislation that directs the Director of the Office of Management and Budget, in essence, to be the chief appropriator. And that is no reflection on the gentleman who holds that office. He is a former Member of the House and a distinguished former Member of the House and one whom I respect and for whom I have friendship.

This Senator, as long as he is in his right mind, is not going to vote to tell the Director of the Office of Management and Budget that he shall transfer any amount of money from funds appropriated for any discretionary programs, any discretionary programs, projects—why, anybody could take some of my highway money out. He could. He could take something out of the Senator from Nevada's highway money. It says any programs, any projects, or activities.

I hope I have been in my right mine all these years.

In any event, the Budget Act of 1990, which I had a great deal to do with helping to write—and I supported it—changes the playing field, changes the game plan, and says the walls will be down. It says there will be walls for 3 years, but in the fourth and fifth years there would not be any walls.

It said, in essence, if authorities are transferred from one category to another and if it increases the allocations of the committee which is the recipient of the new authority above the caps, above the allocations by which that subcommittee is bound, it is a 60-vote point of order.

Before I move to table, let me express my respect for the Senator from Georgia. He is a very formidable Senator and he believes strongly in his work, in his committee's jurisdiction, and he ably defends it.

I am sorry to have had to disagree with him tonight to the point of saying that I would eat his coat. I do not think, though, that he could show me, line for line, what we are doing here. That is neither here nor there. If, per chance, my mind has slipped to that extent, it will not make any difference. My position is what it is exactly tonight and it will be the same.

I am going to move, now, to table. And I will move to table the underlying amendment. If it is not tabled, then this Senator is prepared to talk until this language is out. And I can do it and I can start now. That is no empty threat.

I just think it is a mistake to go in this direction. I do not want to go down that road under the Budget Enforcement Act; none of the circumstances in which we are now dealing with the Budget Act, appropriations bill, and authorization—I am just not willing to do. If the Senate wants to do that, it will be a while on this bill.

So, Mr. President, I move to table the underlying amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? The Senator from Georgia.

Mr. NUNN. I would say to the Senator from West Virginia, we are on the same side on this issue. I am with him on the motion to table. I am with him on the principle. I am with him on the underlying principle of not taking it out of unobligated funds.

As chairman of the Armed Services Committee, occasionally I have to read the sentiment, as the Senator from West Virginia does, on the floor. If I believe the overwhelming sentiment is in favor of taking some very substantial amounts of money out of defense and I can find a way to have less damage done, then that is what I was aiming to do. But I would be very pleased if the Senator from West Virginia's motion to table wipes out both amendments, and will be very pleased to join with the Senator from West Virginia in that.

I must add that I have, as the Senator knows, enormous respect for him and his leadership. So I urge the motion to table be accepted.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. BYRD. Mr. President, I withhold my motion momentarily.

Mr. THURMOND. Mr. President, I am very pleased the able Senator from West Virginia is pursuing the course he is. I think he is on the right track. Money here has been allocated to defense. Now there is an attempt here to take that money and use it for some other purpose.

If drug money is needed it should go through the appropriate committee in the Senate, the Labor and Human Resources Committee. If this motion fails, I then will vote for the second-degree amendment offered by the Senator from Georgia. But I think we can set a good precedent tonight to stop this idea of taking money from defense and using it for other purposes. I think that is a dangerous precedent. I think Senator Byrd is on the right track. I hope his motion will carry.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not want to be misunderstood here. I am not taking the position that I am now taking because we may be transferring money from defense to discretionary programs. As the chairman of the Appropriations Committee, that is my right to do when I allocate moneys to subcommittees. And I talk with each of those subcommittee chairmen, have their understanding, before I do it.

That is not what I am objecting to. The Senate can do that any time it wants to do that, if it has 60 votes to overcome thepoint of order that the allocations of the subcommittees are being raised above the allocations which were given at the beginning when all the subcommittees were sharing in a total pie. That is not my objection.

My objection is that we are shifting the power of the purse to the executive branch. We are saying that the Director of the Office of Management and Budget shall transfer moneys, take away moneys from the Defense and shift them to whatever—whatever it is, cut it out of discretionary programs and projects: Give him that role. I am not going to do that. That is what I am objecting to here.

And I am also objecting to raising the allocation of the affected subcommittee or subcommittees above the allocation that was given when this chairman distributed our limited resources among those subcommittees.

So do not let anybody put words in this Senator's mouth. I make the motion to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. HELMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—61

Akaka	Ford	Mathews
Bennett	Glenn	McCain
Bond	Gorton	McConnell
Breaux	Graham	Mikulski
Brown	Gramm	Murray
Bryan	Gregg	Nickles
Byrd	Hatch	Nunn
Campbell	Heflin	Packwood
Chafee	Hollings	Pressler
Coats	Hutchison	Reid
Cohen	Inouye	Robb
Coverdell	Johnston	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Shelby
Danforth	Kerrey	Simpson
Dodd	Kohl	Smith
Dole	Levin	Stevens
Domenici	Lieberman	Thurmond
Durenberger	Lott	Warner
Exon	Lugar	
Faircloth	Mack	

NAYS—32

Baucus	Feinstein	Moseley-Braun
Biden	Grassley	Moynihan
Boren	Harkin	Pell
Boxer	Hatfield	Riegle
Bradley	Jeffords	Sarbanes
Bumpers	Kennedy	Sasser
Burns	Kerry	Simon
Conrad	Lautenberg	Specter
DeConcini	Leahy	Wellstone
Dorgan	Metzenbaum	Wofford
Feingold	Mitchell	

NOT VOTING—7

Bingaman	Helms	Wallop
Cochran	Murkowski	
Daschle	Pryor	

So, the motion to lay on the table the amendment (No. 792) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we are going to try to accept a number of amendments that have been worked out very carefully with the staffs and with the Senators on both sides of the aisle. So any Member who would like to have theirs presented this evening should remain here. And we will start on debating an amendment tomorrow morning at 9 o'clock. I anticipate Senator REID will have an amendment at 9 o'clock. We do not have any order in terms of any unanimous consent. It will be my hope that the Senator from Iowa [Mr. HARKIN] would present an amendment after the Reid amendment is disposed of. Both of those will require rollcall votes. And then we will have a Lautenberg amendment following that one that will also require a rollcall vote. So we are making substantial progress.

AMENDMENT NO. 794

(Purpose: To express the sense of Congress regarding establishment of an Office of Economic Conversion Information within the Department of Commerce)

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the amendment I have just sent to the desk expresses the sense of the Congress, and I would ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 794.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

Mrs. BOXER. Mr. President, the amendment I have just sent to the desk expresses the sense of the Congress that the President should work with the Congress to create an Office of Economic Conversion Information to serve as a one-stop shop for information on defense conversion. The office would be located in the Department of Commerce, but would be jointly operated by the Department of Defense and the Department of Commerce.

Currently, resources and information on defense conversion are spread out among 23 different Federal agencies. Communities and workers adversely affected by the defense industry slowdown find themselves faced with an unnavigable maze of redtape. Amazingly, there is no single point of access—no single phone number to call,

where all their questions can be answered.

My amendment calls for the creation of an information clearinghouse to serve as a central point of access for the public on issues related to defense conversion. The clearinghouse would develop databases of information on a wide variety of subjects that would help affected communities cut through the redtape and find the help available to them.

If we create an information clearinghouse, displaced defense workers and discharged military personnel will be able to call one phone number and learn about all the worker training and assistance programs available in the Department of Labor, the Department of Defense, and the Department of Energy.

Communities hit by base closures and cutbacks by large defense contractors can learn about the different kinds of planning and technical and financial assistance they can obtain from the Defense Department's Office of Economic Adjustment and the Commerce Department's Economic Development Administration, and about airport improvement funds available from the Federal Aviation Administration to help turn military air bases into civilian airports.

Defense-dependent firms would be able to find out about business assistance programs in the Small Business Administration and the Department of Commerce that can help them make the transition to civilian markets. They could learn all about the technology development and deployment programs of the Technology Reinvestment Project headed by the Advanced Research Projects Agency, and all the other relevant R&D programs administered by numerous agencies throughout the Federal Government.

The point is, Mr. President, that people threatened with the loss of their livelihood should not have to contact each of these offices individually. The defense conversion clearinghouse would serve as a one stop shop for all this information. One call and you could learn which programs can help your family, your community, or your business.

Mr. President, the slowdown in the defense industry combined with the recent rounds of base closures have hit my State of California hard. The administration and the Congress have worked diligently to develop innovative initiatives to help our Nation make the difficult transition to a civilian economy. This amendment would refine those efforts by making it easier for people to take advantage of these much-needed programs.

Finally, I would like to thank the Chairman of the Armed Services Committee and his staff for their assistance and for accepting this amendment as well as the ranking member and the minority staff.

I understand that both the majority and the minority staffs have no problem with this amendment.

I hope this amendment will in fact be accepted.

Mr. NUNN. Mr. President, I thank the Senator from California for working with the committee to both present this amendment and then resolve the amendment.

All of us are eager to see this conversion program work, and I suspect that no one is more anxious than the Senators from California because we all know that California has been hit very hard in the builddown in defense. All of us want to make sure that we have the kind of dual use industrial base that will meet our future defense needs as well as the broader needs of society and our economy.

This year, we received just under 3,000 proposals for conversion funds we authorized last year. I have been advised that about 25 percent of those came from California. I am sure that there are a number of outstanding proposals in that group. I believe that that is also due to the emphasis both Senators from California have placed on the importance of the conversion program in stimulating interest.

Mr. President, I urge adoption of the amendment. This amendment would set up an office within the Department of Commerce that would develop an extensive data base on defense conversion programs, and this data would be made available to the public, to States, to communities, to labor unions, to chambers of commerce, to industrial organizations and companies.

It would include State, local, and Federal programs. It would include outreach programs. It will include an interagency coordinating committee. The office would help particularly small companies that are totally dependent on defense conversion and are overwhelmed with trying to keep up with data relating to it.

It think it would also help State and local communities, not only in California, but throughout the country.

So I urge adoption of the amendment.

Mr. THURMOND. Mr. President, the Members on the Republican side have no objection to the amendment offered by my colleague, Senator BOXER of California. There is no question that some agency in the Federal Government must act as a single point of contact for the numerous programs for economic adjustment and defense conversion. This sense of Congress language affirms that principle.

The fact is that an office in the Defense Department has already been assigned the responsibility to act as the single point of contact for the Federal defense conversion programs. There is a companion office assigned to act as a clearinghouse for technologies that may have commercial applications. It is important that the record reflect Senate support for these ongoing efforts. We must ensure that changes to the administration of defense conversion programs in no way disrupt progress setting up clearinghouse activities in the Department of Defense.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 794) was agreed to.

AMENDMENT NO. 795

(Purpose: To express the sense of Congress regarding targeting defense conversion funds to geographic areas most adversely affected by defense downsizing and military base closures and to small businesses)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 795.

On page 180, after line 24, insert the following:

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendation that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be

borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

Mrs. FEINSTEIN. Mr. President, I understand that the amendment has been cleared on both sides.

I would also like to thank the chairman and ranking member of the Armed Services Committee for help in drafting this amendment. This is a very important issue to me and I am very glad that we could reach an agreement that was satisfactory to everyone. So I thank you very much, again.

Mr. President, this amendment expresses the sense of the Senate that defense conversion funds should be aimed toward areas of the country adversely affected by defense downsizing and military base closures.

As the distinguished Senator from Georgia just remarked, there are some 3,000 defense conversion applications, of which at least 25 percent, it is my understanding and his, come from the State of California.

In California to date, defense-related job loss has been 250,000 in the last 2 years. This is directly relating to downsizing.

By 1998, it is estimated that the job loss will reach 650,000.

These are good, high-paying quality jobs. Not the minimum-wage jobs that we have been creating for the last decade, but these jobs pay $30,000 to $40,000 a year. People can raise a family and buy a home. They are blue-collar jobs, and good-paying jobs. Unfortunately, they are being wiped out as we reduce defense allocations and as bases are closed.

Mr. President, the $20 billion defense conversion program is a step I believe in the right direction. But one of the problems is that it does not necessarily utilize the money where the job losses and the downsizing and the base closures are taking place.

This sense-of-the-Senate resolution is simple and direct in saying that there should be attention given to seeing that these dollars go into areas where the need it most.

This is important to small business. It is important to the ability, if you are going to close down a shipyard, to be able to put that yard into some kind of civilian production.

So I am very pleased that both the distinguished Senator from Georgia and the ranking member of the committee have helped in drafting this language.

I rise today to introduce a very simple—yet very important—amendment expressing the sense of Congress that defense conversion funds should be targeted to areas of the country adversely affected by defense downsizing and military base closures.

Many areas throughout the country, and in particular California, are in desperate need. The end of the cold war has led to massive downsizing of the defense industry. Hundreds of firms are going bankrupt. The future economy of entire communities is in turmoil. And hundreds of thousands of hard-working men and women have lost their jobs or are at risk of losing their jobs in the future.

More than 250,000 defense related jobs have been lost in California in just the last 2 years. And, by 1988, California's job loss due to defense downsizing and base closures is expected to reach 650,000. These are good paying, high-quality jobs. Not the minimum wage jobs that are all too common in today's economy. These jobs pay $30 to $40 thousand a year. People can raise a family and, yes, buy a home. They are blue collar jobs—good paying jobs. Unfortunately, these jobs are being wiped out as we reduce defense spending in the aftermath of the cold war.

We, as a Nation, must not leave those who helped us win the cold war out in the cold. Strong steps must be taken immediately to help the transition from defense to civilian production so that new, high-quality jobs and economic opportunities can be quickly created.

President Clinton's 5-year, $20 billion defense conversion program is a step in the right direction. Its intentions are good—the transformation of the U.S. defense industry toward civilian production—but I fear that the program,in its current form, will not significantly address the needs of the defense industry and those who depend on it for their economic livelihood.

The backbone of defense conversion is job creation. Job creation for workers who lose their jobs when a production plant shuts-down, and job creation for workers who lose their job when a military base closes.

Currently, the various defense conversion programs include: community assistance programs that help cities and towns across the country plan for the reuse and redevelopment of closed military bases; job retraining and job placement programs that help laid-off workers learn new skills and find new jobs; and dual-use technology initiatives that help create new jobs by providing advanced and affordable products that will be competitive in the commercial market.

All of these programs are great ideas on paper, but in order for defense conversion initiatives to be truly effective, funds must go where the effects of defense downsizing are being felt the most. It just doesn't make sense to provide billions of dollars in defense conversion funding, if these funds will not benefit those most in need.

I agree that these defense conversion grants, commonly known as technology reinvestment grants, should be based on competitive procedures to assure that every scarce defense conversion dollar is spent wisely. But, consideration must be given to applicants from areas of the country most adversely affected by defense downsizing. It is that simple. In defense conversion programs, consideration should be given to areas of the country most adversely impacted by defense downsizing—where the suffering and need are greatest.

Targeting defense conversion funds will help protect the economic security of the U.S. defense industry. Targeting funds will help those who need the help the most. The defense conversion process will be helped along, dual-use capabilities will be encouraged, and critical technologies will be saved from extinction.

I also believe that an appropriate portion of defense conversion funds should go to small businesses. As we all know, small businesses are the key to growth in this Nation and the number one source of new jobs being created today.

Small defense firms are on the cutting edge of technology and have the most potential for economic growth and job creation in this Nation. At the same time, the risk involved in their technology and business ventures is often quite high and it may be nearly impossible to obtain capital. As a result, small defense firms have a crucial need for defense conversion funds to help them convert to civilian or dual-use production.

However, the high matching requirement could handicap small firms who are in desperate need of defense conversion funds. Because small businesses have less capital, less are less able to meet the high cost-sharing requirement. Thus, many small defense firms will be hindered from obtaining the desperately needed funds.

My amendment would also direct the Department of Defense to report to Congress on the number of small business applicants and the funds they receive. This will allow Congress to determine if the matching requirement should be lowered for small businesses.

Finally, my amendment would direct the Department of Defense to report on the progress of its defense conversion programs and make any recommendation it believes will assist these vitally important programs in the future.

This is a common sense amendment that I hope will be quickly adopted. It simply states:

First, defense conversion funds should be directed to areas where they are needed most; and

Second, the Defense Department should report to Congress on how its defense conversion programs are proceeding.

It is that simple. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER (Mr. BRYAN). Is there further debate?

Mr. NUNN. Mr. President, again I say to the Senator from California, Senator FEINSTEIN, as I said to Senator BOXER, that I understand very well—and I know the Senator from South Carolina understands very well, also, because he knows how important the defense conversion funds are to California.

I also understand how diligently Senator FEINSTEIN and Senator BOXER are working to help those industries and those individuals that are affected, as well as the communities that are affected by the defense drawdown.

This amendment, I think, is a good amendment. It would emphasize that we intend, it is the sense of the Senate the conversion funds should serve to relieve distress in the areas of the country that are most adversely affected. It also provides certain considerations for small business that are important.

So I congratulate the Senator from California. I urge adoption of the amendment.

Mr. THURMOND. Mr. President, I rise to support the amendment offered by my colleague, Senator FEINSTEIN from California. As she pointed out in her statement introducing her similar legislation in May, defense conversion and economic adjustment programs should have the effect of relieving distress caused by defense cutbacks and base closures. My State of South Carolina will be hit very hard by base closures in the Charleston area, and we must ensure that such communities receive all the assistance they need and deserve. The men and women who have devoted the greater part of their working lives to supporting our national defense depend on us to provide them with an adequate transition into the post-cold-war economy. I urge Senators to support this amendment.

The PRESIDING OFFICER. The Chair hearing no further debate, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 795) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 796

(Purpose: To require the Secretary of Defense to prescribe regulations governing Economy Act purchases by the Department of Defense.

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 796.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 190, after line 24, insert the following:

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later then six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department.

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

Mr. LEVIN. Mr. President, on July 30, the Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN is the ranking Republican, held a hearing on the practice of contract off-loading at Federal agencies. Contract off-loads are interagency purchases which occur when one agency buys goods or services through a second agency, under a contract administered by the second agency.

We learned that the abuse and misuse of contract off-load costs the taxpayers hundreds of millions of dollars every year.

Contract off-loads, which are intended to help agencies save money by using the expertise of other agencies or consolidating similar requirements in a single contract, are abused and misused to avoid competition. They are abused and misused to spend expiring funds before they revert to the Treasury. They are abused and misused to avoid audits in contract oversights. All too often, such off-loads result in sole source contracts with favored contractors for which agencies escape management responsibility.

Let me describe a typical case.

In 1991, the Department of Defense's nonacoustic antisubmarine warfare office decided that it needed outside expertise. Instead of competing the contract for it, the office entered into an interagency agreement with the Tennessee Valley Authority. You heard it right: the Tennessee Valley Authority.

The TVA then entered into an agreement with a company called ESG, Inc., a tiny company made up of just a handful of employees that did none of the required research themselves and had no capability to do it. ESG then subcontracted 96 percent of the work on a sole source basis to the subcontractor selected by the antisubmarine warfare office. That was pure subterfuge at the expense of the taxpayers. The Tennessee Valley Authority had no expertise in the area of antisubmarine warfare.

The DOD inspector general found that the antisubmarine warfare office off-loaded the project to TVA—in effect, it used TVA as the funnel—for one purpose only: To "quickly obligate funds and obtain the support of a specific contractor, without having to advertise or compete the program."

What was the result of that off-load? According to the DOD inspector general, neither the DOD nor TVA was able to document any formal approvals of work performed or costs incurred by that contractor, ESG. ESG was paid without providing such basic information such as names, position, rates, number of hours worked by employees. Its subcontractors were paid without even submitting invoices.

As a result, the inspector general found that the Department of Defense paid inflated billing rates, paid costs which should have been allocated to other projects, and paid fees for unallowable items like liquor and travel on corporate jets. The inspector general found that the added cost to the taxpayer could be as much as $2.8 million on an $18 million program. That does not include the half million dollars that ESG charged for its management services, or the $1 million "brokering fee"—brokering fee—that TVA raked off the top for doing nothing but being used as a funnel.

The story gets worse. As a result of an earlier DOD inspector general investigation of off-loading to TVA, the Undersecretary of Defense for acquisition ordered all commands to "stop paying other agencies to execute contracting functions that we should be performing ourselves."

The antisubmarine warfare office ignored that directive. It continued to send money to TVA and ESG. It took a second inspector general investigation before the antisubmarine warfare office stopped sending money to TVA.

But then the office used a new subterfuge to continue the off-load. Instead of terminating the agreement with TVA and ESG, the antisubmarine office redirected the funds to the National Oceanic and Atmospheric Administration, NOAA, which turned around and—you guessed it—off-loaded the money to TVA and to ESG. The documents sending that money to NOAA expressly state that "funds may not be redirected. The acceptor must be the performer." But NOAA, at the request of that same antisubmarine warfare office, sent that money to TVA and ESG anyway. And as a result of the deception, the antisubmarine warfare office was able to send an additional $3.3 million in DOD funds to TVA and ESG, despite two inspector general reviews condemning the practice. This case is not unique. For every abuse in that office, we have inspector general reports documenting a dozen more cases equally as bad.

For example:

> We have the Army Missile Command placing a $750,000 order for independent verification of test program sets through DOE, which the IG found was done so the Army could continue its sole-source relationship with a company whose Army contract had not been renewed.
>
> We have the very same command trying to purchase computer software for inventory item managers through a DOE laboratory and several layers of subcontractors—a procurement so badly botched that the command eventually had to terminate DOE, the contractor and two levels of subcontractors, and re-award the project to a local small business, to get the work done right.

We have the Army Tank and Automotive Command buying $750,000 of tank kits through NASA's Jet Propulsion Laboratory, which the IG found was done for the purpose obtaining the services of a specific contractor on a sole-source basis.

We have the Navy Ship Systems Engineering Station sending $32 million to TVA for ship modernization systems, in an apparent effort to obligate expiring funds that otherwise have been returned to the Treasury at the end of the fiscal year.

We have the Marine Corps sending more than $10 million to the Department of Transportation for logistics and computer support systems, holding on to expiring funds that could not otherwise have been spent after the end of the fiscal year.

We have an Air Force Wing spending $1 million on a gas utility vehicle, hand-held walkie-talkies, asbestos removal, design of a machine gun range, and brush-clearing services from TVA, which the IG found was done so that it would spend expiring year-end funds.

We have the Air Force Air Mobility Command sending $16 million to TVA to contract on a sole basis for the development of an audiovisual inventory control system, support for equipment management, and support for fasteners, connectors and tools modeling, augmentation of a computer local area network, and development of an underground storage tank proposal.

Here is what one Army memorandum has to say about the abuse and misuse of contract off-loads:

> Unauthorized and ill-considered offloading of Army acquisition requirements to other agencies, particularly to agencies not subject to the Federal Acquisition Regulation and the Competition in Contracting Act (CICA) (thus circumventing the competition requirements of CICA), are actions clearly contrary to policy and regulation. They cost the Army millions of dollars in fees for performance of a function (contracting) that we already pay a highly trained, professional staff to perform properly.

Many contractors are well aware that off-loading can be used to circumvent procurement laws and regulations, and turn this loophole to their own advantage. In unsolicited testimony submitted to the subcommittee, one contractor described how it was able to capitalize on off-loads through the DOE laboratories to obtain sole-source contracts from DOD. The testimony states:

> I became aware of a procurement process where one branch of the government sends money to another branch of the government to procure desired goods and services. An executive of another company explained to me how it worked and of course, assured me that it was totally above board and legal. All I had to do was find a customer in DOD that wanted my services. I would then arrange to have Martin Marietta Energy Systems (Martin) go with me to brief the customer on how to obtain my services through an interagency transfer of monies to the Department of Energy, Oak Ridge National Laboratory in Oak Ridge, Tennessee. . . . As DOE's agent, Martin would administer the money from my customer and make the procurement. For Martin's procurement services they would receive 20% off the top.

This contractor, who subsequently became disillusioned with the process, adds:

> It is my belief that the transferring of the procurement responsibility in the [DOE] "Work for Others Program" is at least unethical and perhaps illegal. The sole purpose for the program's existence is to circumvent the DOD procurement process. . . . It is a program of technological welfare that does not serve any national interest.

In all, we have documented more than $100 million of improper off-loading through the TVA; almost $100 million of improper off-loading through a single DOE laboratory; more than $10 million in improper off-loading through NASA's Jet Propulsion Laboratory; and more than $50 million in questionable off-loading through the Department of Transportation's Volpe Research Center.

There are billions of dollars in other off-loads that have not even been analyzed to see whether they have been subject to similar abuses. The DOD IG found that DOD alone is making more than $3 billion in off-loaded contracts every year. And this may be just the tip of the iceberg, because DOD has consistently refused to institute any system for tracking off-loads—and because DOD is far from the only agency that improperly off-loads contracts.

As a result of our subcommittee hearing, DOD promised to take steps to prevent future abuses. Unfortunately, however, such promises have been made in the past, with little apparent effect.

In a hearing before the Senate Governmental Affairs Committee 4 years ago, the DOD inspector general revealed that DOD had improperly off-loaded $80 million of contracts through the Library of Congress. That is right, the Libraryof Congress. DOD officials were sending millions of dollars of taxpayer money to the Library of Congress to purchase goods and services for them.

As a result of that hearing, and the Inspector General's report, the Department of Defense and each of the three military services promised to address the problem and make sure that it couldn't happen again.

Well, it has happened again, and again, and again. It has happened again through the TVA; it has happened again through the DOE laboratories; it has happened again through NASA; and it has happened again through the Department of Transportation.

The time has come for more direct action. The Economy Act—the basic statute which authorizes contract off-loads—provides absolutely no guidance as to when an off-load is in the best interest of the government. Well, let me tell you—it is not in the best interest of the government to avoid competition and place a contract with a favored contractor on a sole-source basis. It is not in the best interest of the government to spend expiring year-end funds as quickly as possible, to avoid having to return them to the Treasury. And it is not in the best interest of the government to duck responsibility for contract management and allow contractors to spend taxpayer money as they please.

We need clear, strong guidance on this point, and we need it now—before we send hundreds of millions more taxpayer dollars down the bottomless pit of improper contract off-loads. The amendment that I am proposing, with Senator COHEN as a co-sponsor, would require the Department of Defense to stop improper off-loads.

Under our amendment, DOD would be permitted to off-load contracts to other agencies only in specific circumstances—described by the Department at our hearings—where such off-loads are appropriate. These circumstances are where: (1) the other agency is purchasing similar goods or services for itself, and it makes sense to consolidate the purchases; (2) the other agency has unique capabilities or expertise, not otherwise available to the ordering agency or unit; or (3) the other agency is specifically authorized to make purchases on behalf of other agencies. The amendment would authorize off-loads in additional circumstances, in the event of the issuance of an Executive Order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which such purchases are appropriate.

Under the amendment, any off-load would have to be approved in advance by a contracting officer or other official specifically authorized by regulation to approve such purchases. Contracting officer approval is already required by regulation, but only 10 of 502 acquisitions reviewed by the DOD IG complied with the requirement. The amendment gives DOD flexibility to authorize higher-ranking procurement officials to approve off-loads in appropriate circumstances. As under the current rules, however, such approvals should be in the hands of procurement officials, and not program officials.

In addition to requiring new guidance and contracting officer approval of off-loads, our amendment would—

Prohibit DOD from off-loading contracts to agencies that are not covered by the Competition in Contracting Act and the Federal Acquisition Regulation, without prior approval by a Senior Acquisition Executive. There is absolutely no good reason for DOD to make purchases through agencies like TVA and the Library of Congress, and it has got to stop.

Prohibit the payment of any fee to the agency or unit to fill the order in excess of the actual or estimated cost of entering into and administering the contract. This provision would put an end to the practice by which some agencies charge a premium to help other agencies break their own procurement rules.

Require DOD to establish a system to track contract off-loads, so that we will know how many such agreements are entered, with whom, and by which commands within DOD. Appropriate data on contract off-loads would include, at a minimum, the number and value of off-loads, the identity of both the ordering agencies and the agencies filling the orders. This kind of information is essential if we are going to prevent future abuses. Despite repeated recommendations by the DOD IG, however, the Pentagon has refused to institute a tracking system, taking the position that what it doesn't know can't hurt it.

Although the amendment would address only off-loads from DOD to other agencies, there have been similar abuses of off-loads between DOD components. For example, in the early 1990's, when the Army Training Directorate bought $24 million of instrumentation systems for its combat training centers through the Marine Corps, for the apparent purpose of giving the project to a favored company which employed the spouses of two Army program officials. The amendment would not address these intra-DOD off-loads, because steps are already being taken to address these abuses, and because the Department needs flexibility to assign procurement responsibility among its components. However, we will be watching closely to make sure that the abuses we have seen in this area do not recur.

Finally, because we do not want to tie DOD's hands and limit regulatory flexibility in perpetuity, the amendment would cease to be effective one year after the date on which final implementing regulations become effective. The provision is drafted this way to permit appropriate changes to the regulation as the procurement system evolves in the years to come. This expiration date is not intended to authorize—and we would not tolerate—the withdrawal of the required regulations after the one-year period elapses.

Under this amendment, the DOD will be permitted to off-load contracts to other agencies only in specific circumstances as described by the Department at our hearings where off-loads loads are appropriate. Under the amendment, we are going to stop the inappropriate, wrongful funneling of money through other agencies to avoid competition, for hurry-up spending, to avoid competition in contracting, to avoid audits. We are taking a series of steps to put an end to those practices. They are shocking practices. It is a complicated, complex, technical subject.

The word "off-loading" will cause most eyes to glaze over in this body. I took months to figure out what off-loading really was. What it really is is the application of responsibility by our agencies to contract competitively for the services and products that they need, and by subterfuge, to use other agencies, with whom no competition is required, to funnel the money, frequently to favored contractors, in order to get goods and services without competition and in violation of requirements relative to year-end spending.

Mr. President, again, I thank the Chair. I thank my friends who worked long and hard today. It was a long day. I am sorry I took this 10 minutes, but this is a very significant wrong that is going on, and not just at DOD, but at a number of agencies that contract. We have to put an end to it. I thank Senators NUNN and THURMOND for helping with this amendment and to approve it as they have. I also thank Senator COHEN for cosponsoring this amendment.

Mr. NUNN. Mr. President, I congratulate the Senator from Michigan not only for this amendment but for his leadership in the whole defense area. Particularly, he zeroed in on the procurement process more than anybody on our committee, and I think more than anyone in the Congress. So I have tremendous respect for him, both in his capacity on the Defense Committee and Governmental Affairs Committee, where he works on procurement.

I am in favor of the amendment. There are abuses going on, and the Senator from Michigan is exactly right on that. Those abuses are not acceptable and must be curbed. These abuses are not confined, as he said, to the Department of Defense but also to other agencies. I want to add one word, though, and that is that the reason we have these abuses—and again there is no excuse for them—but the reason we have them is because the agencies, including but not limited to DOD, are simply overwhelmed with procurement requirements and regulations. It is just overwhelming, the combination of all of the things we do in the Congress, and that they do at the DOD level in terms of directors and what causes this moving around and maneuvering between agencies, is to avoid some of the rules and regulations that have made so cumbersome over the years, so that the procurement system takes forever to get anything done. The longer you

take on procurement, the more bureaucracy and rules and regulations you have, and the more its costs.

So what we have are an awful lot of rules, regulations, laws and DOD directives that have all been well-meaning. Each one is designed to cure one problem here and one problem there. All of them had their purpose. Yet, when you accumulate them, total them, it is my view that all of the abuses they were aimed to cure—if you summarized all of those and added up the dollar marks, it would probably not be as much as the total cumulative burden of the regulations we have.

So in agreeing to this amendment, I would like to put down a marker that I believe most of my colleagues on the Armed Services Committee at least would agree with: We have to simplify the procurement rules and regulations. We have to change the acquisition system. We have to make it more like the commercial sector. If we do not, we are going to continue to have the abuses, because people are really, in effect, trying to work around the system. I urge support of the amendment.

Mr. LEVIN. If I could ask the Senator from Georgia just to yield for 1 minute. I think he is correct that there are many instances where it is the complication, the complexity of regulations which cause contract officers to try to evade them. However, that does not justify it, as my friend from Georgia aptly pointed out. And in any event, there is a significant percentage of this offloading which goes on for reasons which cannot be explained by the complexity of regulations.

So in many cases, indeed, the complexity which my friend from Georgia points out does explain that frustration on the part of people who are trying to get things done and to take short cuts. It does not justify it, but it does explain it in some instances. But in other instances we have had pointed out at our hearings with witnesses that there is not even that rationale for the subterfuge that goes on in so much of our contracts.

This amendment will address it in the Department of Defense and we will try to do it in other agencies as well, and work on some of the complex regulations which are needless, which in fact do frustrate so many of our contracting officers.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I favor this amendment and wish to commend my distinguished colleagues, Senators COHEN and LEVIN, for conducting the investigative hearings that have brought to light abuses with the use by the Department of Defense of other Federal agencies to enter into contracts for goods and services for the Department. Such practices have enabled offices within the Defense Department to avoid, among other things, competition requirements and restrictions on the expenditure of funds at the end of a fiscal year.

The amendment offered by Senators COHEN and LEVIN would require the Department of Defense to issue regulations governing the use of other Federal agencies for purchasing goods and services. This legislation will not change permanent law and will sunset once the required regulations are issued. It is an excellent model for how such problems should be addressed by Congress. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Chair hearing no further debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 796) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, earlier in the day, the Senator from South Carolina wisely suggested that the number of amendments had to be limited at some point and that we should basically get a list of the amendments from both Democrats and Republicans and let us say these are all the amendments that will be eligible.

We have discussed this, both of us have, with our respective leaders, the minority leader and the majority leader, and on behalf of the majority leader, I ask unanimous consent that the list of amendments at the desk, which are both Democrat and Republican amendments, all we know about, be the only amendments remaining in order to the DOD authorization bill; that they be subject to the relevant second-degree amendments; that upon disposition of the amendments remaining in order to the bill, the bill be read a third time and, without any intervening action or debate, the Senate proceed to final passage on S. 1298.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I concur with the request of the distinguished chairman of the committee and I favor that action.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement propounded by the Senator from Georgia is agreed to.

Mr. NUNN. Mr. President, lest anyone think we have a small list and they might have been left out, we have a total of 123 amendments that are at the desk. So I am not sure anyone has been left out. That is more than one amendment per person here in this body.

We hope to be able to agree to a number of the amendments. We hope a number of the amendments will await another bill, because some of them do not relate to the military at all and are not relevant to this bill.

So it is my hope that we will clear away some of this by around noon tomorrow. It is still my view that we can pass this bill tomorrow night. I do think everyone ought to be prepared to be here late in the afternoon and in the evening. I would put all Senators on notice to that effect.

I know that the Senator from South Carolina has put in a very full day and I assure him that only the amendments agreed to on both sides will be agreed to and I will see him tomorrow morning.

There being no objection, the list of amendments was ordered to be printed in the RECORD, as follows:

REPUBLICAN AMENDMENTS TO DOD AUTHORIZATIONS

Grassley—Advanced procurement.
Grassley—Anti-deficiency Act.
Grassley—C-17
Grassley—Defense Business Operations Fund.
Helms—Relevant.
McCain—Maritime Administration.
McCain—Israel.
McCain—Iran-Iraq Nonproliferation.
McCain—Reports.
McCain—Def. Expenditures.
Lott—Delay of 95 BRAC.
Lott—SOS Naval Oceanography.
Gramm—Relevant.
Warner—Drug Rehabilitation.
Roth—NATO.
Roth—Defense Acquisition Reform.
Chafee—Navy Compliance with MARPOL.
Stevens—Procurement.
Stevens—Advisory Commission.
Coverdell—Veterans.
Smith—SGLI.
Smith—Food Distribution.
Smith—Navy Medal.
Mack—Re: Military Health Care.
Burns—Ft. Missoula.
Burns—Minute Man 3.
Cohen—C-17.
Kempthorne—Nominee Restrictions.
Wallop—DOE Tech. Transfer.
Hatch—Personal Property/BRAC.
Warner—Ship Navigation.
Warner—MPS.
Warner—Land Conveyance.
Warner—Yosemite.
Warner—Relevant.
Warner—Relevant.
Murkowski—Medical Study
Domenici—Jupiter Simulator.
Domenici—SSTO.
Domenici—DFAS.
Domenici—Nuclear Weapons Report.
Danforth—Troops to Teachers.
Danforth—Counter Proliferation.
Chafee—POW's in Arlington.
Warner—Counter-Prolif.
Warner—Joint Simulation Center
Warner—Relocate AFSC.
Brown—Environmental Compliance.
Brown—C-130.
Dole—MRE's.
Dole—UN Troops.
Dole—MFEL-Burn.
Dole—Guard Technicians.
Dole—Envir. Ed.
Dole—Relevant.
Thurmond—Veterans Awards.
Thurmond—Relevant.
Hutchison—Operational Support Aircraft.

DEMOCRATIC AMENDMENTS TO DOD AUTHORIZATION

Nunn: (1) Relevant, (2) Relevant.

Riegle: (1) Chemical Weapons Gulf War, (2) Base closing.

Harkin: (1) Nuclear testing, (2) Nuclear testing, (3) Anti satellite.

Boxer: (1) Conversion clearing house, (2) base personnel training for cleanup.

Akaka: Sense of Senate leave for military members.

Robb: (1) Ship transfer, (2) Competitive procurement.

Glenn: (1) Relevant.

Breaux: (1) Vessel charters.

DeConcini: (1) Transfer funds from DoD to HHS, (2) Nuclear test evaluation, (3) Commercial use test facilities.

Exon: Relevant.

Metzenbaum: Relevant.

Reid: (1) No funds for Ground Waves (GWEN project), (2) Prohibit military at Duck Valley Reservation, (3) Low overflights over Nevada, (4) Relevant, (5) Relevant.

Bingaman: (1) Waste Isolation Pilot,(2) ARPA Pilot program, (3) Missile proliferation, (4) Strike export loan guarantees.

Lautenberg: Burden sharing.

Kennedy: (1) Humanitarian land mines, (2) C–17 live fire testing.

Levin: (1) Defense contract off-loading, (2) Base closure, (3) Serbian sanctions, (4) Residual values, (5) Army modernization, (6) Army modernization, (7) Homosexuals, (8) Peacekeeping report.

Bryan: Credit Unions federal buildings.

Graham: (1) Military and maritime prepositioning, (2) Defense technology reinvestment projects, (3) Ft. Lauderdale Navy land/airport transfer, (4) Contractor dealings with military installations on BRAC list, (5) Youth Corp Academy at Orlando.

Moynihan: Intelligence budget.

Bumpers: SDI.

Pryor: (1) Defense conversion, (2) Recruiting.

Feingold/Kohl: Terminate Navy ELF operation.

Leahy: (1) B2, (2) Land Mines.

Wellstone: (1) Relevant, (2) Relevant.

Feinstein: (1) Defense conversion; Feinstein (with Lott): (2) Base Closure.

Dorgan: (1) Sense of Senate relocating research personnel.

Baucus/Chafee: Marine plastics.

Johnston: (1) National Labs, (2) National Labs, (3) Environmental cleanup, (4) DOE Employment Rules (Conflict of Interest), (5) Defense Nuclear Waste.

Simon: (1) Corp Engineers, (2) Corp Engineers.

Mitchell: (1) Relevant, (2) Relevant, (3) Relevant.

AMENDMENT NO. 797

Mr. NUNN. Mr. President, on behalf of Senators ROBB and WARNER, I propose an amendment to authorize the Secretary of the Navy to transfer the obsolete destroyer tender *Yosemite* to a nonprofit organization called Ships at Sea. This organization proposes also to use this vessel as part of a program of drug education and drug rehabilitation. The Secretary of the Navy would be allowed to prescribe the terms and conditions under which this vessel would be transferred.

Mr. President, I send the amendment to the desk and urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB (for himself and Mr. WARNER) proposes an amendment numbered 797.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 797) was agreed.

AMENDMENT NO 798

Mr. NUNN. Mr. President, I send another amendment to the desk on behalf of Senator WARNER and Senator ROBB.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. WARNER and Mr. ROBB, proposes an amendment numbered 798.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

Mr. NUNN. Mr. President, on behalf of Senators ROBB and WARNER, I offer an amendment to prohibit the Navy from awarding any sole source contracts to purchase surface ship navigation systems including ring laser gyroscope inertial measurement units. The Navy and the contractors will be ready for a free and open competition for such systems in fiscal year 1994. The Navy should not be permitted to take any sole source procurement action in the mean time that could tend to prejudice that competition. Therefore, Mr. President, I urge that the Senate adopt this amendment.

Mr. WARNER. Mr. President, it is my understanding that the U.S. Navy intends to award a sole source procurement contract for the acquisition of ring laser gyro navigation systems for DDG–51 guided missile destroyers authorized in the fiscal year 1993 budget. Such action would represent a sole source procurement for a system which is still in the developmental stage.

To date, the Navy has been procuring a WSN–5 spinning mass navigation system for surface ships currently under contract. This amendment will enable the Navy to continue to procure spinning mass navigation systems for these ships. It will, however, prohibit the Navy from spending appropriated dollars in fiscal years 1992 through 1994 for the procurement of an untested ring laser gyro navigation system under a sole source procurement.

The Navy has stated that it does have a requirement to upgrade the current navigation system on surface ships and submarines with a more reliable and capable system. I believe it is in the best interests of the Navy and in keeping with standard Department of Defense procurement practices, that the Navy hold a full and open competition for a procurement of a new system such as the ring laser gyro. Competition will ensure that the Navy gets the most capable system at the most competitive price. It will also eliminate the possibility that the Navy will procure limited numbers of a RLG set under a sole source contract and incur an enduring logistics support requirement for a system that may not survive the subsequent competition.

In the interests of fairness and cost effective procurement, I strongly encourage my colleagues to adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of Senators WARNER and ROBB is agreed to.

The amendment (No. 798) was agreed to.

AMENDMENT NO. 799

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of myself and the distinguished Senator from Michigan, Mr. LEVIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 799.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate point in the bill, add the following new section:

SEC. . Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the

Close Combat Tactical Trainer Quickstart program.

Mr. WARNER. Mr. President, not all of the works of the Senate qualify as major issues. This amendment deals with a little issue, but it represents a chance to save $18 million.

The Army is developing a new generation of simulators to train combat forces called the Close Combat Tactical Trainers. The Army has been on the forefront of simulation technology. These simulators permit realistic training of combat units at a fraction of the cost of expensive field maneuvers.

The Army developed a plan to accelerate the fielding of these simulators in order to lower operating costs. The contract they negotiated anticipated this accelerated program. If the Army could initiate procurement in fiscal year 1994, it could save $18 million on the first two production lots. Unfortunately, the Army didn't negotiate this favorable contract until after the fiscal year 1994 budget was submitted.

The Army is prepared to find the funds to initiate this procurement, but they need reprogramming authority to do so. Defense Department rules prohibit starting a new program through a reprogramming, or to spend funds for long lead items in other procurement accounts.

My amendment would authorize the Army for this program to reprogram funds to initiate long-lead procurement in fiscal year 1994. This amendment doesn't provide any additional funds to the Army. It merely authorizes them to reprogram funds from other programs. The Army would have to comply with all existing reprogramming procedures, however.

Mr. LEVIN. Mr. President, this is a excellent amendment. The subcommittee I chair has taken the lead in promoting simulation technology. Two years back we encouraged the Army to initiate this so-called Quickstart program in order to get these simulators into the field faster. The Army is prepared to do that. This amendment doesn't provide more money. It does authorize the Army to prioritize its programs and take advantage of the favorable contract.

I am pleased to support this amendment and urge my colleagues to adopt it.

Mr. WARNER. This amendment is cleared on both sides, Mr. President.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered by Senator WARNER is agreed to.

The amendment (No. 799) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider en bloc all the amendments that have been adopted in the last few moments, and I move to table those motions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 800

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 800.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . TRANSPORTATION OF CARGOES BY WATER.—Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"2631a. Contingency planning

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b)."

Mr. MCCAIN. Mr. President, my amendment deals with our rapidly disappearing U.S.-flag merchant marine fleet. The facts are simple: the number of merchant ships operating under U.S. registry has been in a steady decline for the past several decades. If the trend is allowed to continue, we will soon witness the virtual extinction of U.S.-flag vessels operating in foreign trade.

Mr. President, I wish to acknowledge the concern that other Members have expressed for this increasingly serious situation. Senator BREAUX, the distinguished chairman of the Merchant Marine Subcommittee, and Senator LOTT, the distinguished ranking member of that subcommittee, are well aware of the problem and have recently held hearings to explore potential solutions. Their counterparts on the House Merchant Marine and Fisheries subcommittee have been similarly engaged. I know they are all working diligently to find an answer.

My amendment, therefore, is aimed only at areas that are clearly within the purview of the Armed Services Committee. It provides for the following:

First, it requires the Secretary of Defense to ensure that all studies and actions taken within the Department that concern sealift take into consideration the full range of the transportation and distribution capabilities that the operators of privately owned U.S.-flag merchant vessels can provide.

Second, it affords each operator an opportunity to present to the Department of Defense at least annually information on its port-to-port and intermodal transportation capabilities.

Third, it requires the Secretary of Defense to formally report to the Secretary of Transportation at least annually that he has afforded the operators the opportunity to make these presentations on their capabilities.

Mr. President, this amendment will make no sweeping changes in our Nation's maritime policy—that task will be left to the Commerce committees and their respective subcommittees. I only hope to send a clear signal to those few remaining operators of U.S.-flag merchant vessels that we recognize the importance of their contribution to our national security, and that we are prepared to work with them to ensure their viability operating under U.S. registry with U.S. crew members.

Mr. WARNER. This amendment has been agreed to on both sides.

Mr. NUNN. Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered on behalf of the Senator from Arizona [Mr. MCCAIN] is agreed to.

The amendment (No. 800) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 801

(Purpose: To provide for a land conveyance, Charleston, South Carolina)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 801.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered

The amendment is as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public

Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States on amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

Mr. THURMOND. Mr. President, the amendment I am introducing will authorize the Navy to convey to the division of public railways, South Carolina Department of Commerce approximately 11 acres including the railroad equipment maintenance facility known as the Roundhouse located in North Charleston, SC. The property will be conveyed at a fair market value of $500,000.

Mr. President this property is excess to the Navy and has not been used since it was damaged by Hurricane Hugo in 1989. The Navy has no plans to repair the facility nor is there any other use contemplated.

The division of public railways, which provides rail service for the Port of Charleston, owns property adjacent to the Navy property. It will repair the facility and use it as its equipment maintenance facility.

Mr. President, this is a good government provision. It requires the payment at fair market value. It will result in putting derelict property back into business. Most importantly, it will assist in the economic recovery of the Charleston community which is being devastated by the closure of the Charleston Navy Base.

Mr. President, I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, this has been cleared on both sides.

Mr. NUNN. Mr. President, this amendment provides an expedited conveyance of fair market value of approximately 11 acres of property developed in the railyard of the naval weapons station to the division of public railways, South Carolina Department of Commerce. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of the Senator from South Carolina, Senator THURMOND, is agreed to.

The amendment (No. 801) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 802

(Purpose: To authorize the Advanced Research Projects Agency to carry out certain pilot demonstration projects and prototype projects)

Mr. NUNN. Mr. President, on behalf of Senator BINGAMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, proposes an amendment numbered 802.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 190, below line 24, add the following:

SEC. 825. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

Mr. BINGAMAN. Mr. President, the amendment which I am offering would allow the Advanced Research Projects Agency to use cooperative agreements authority on a pilot basis to execute some of its defense projects. ARPA already has the authority to use cooperative agreements and others transactions to implement its dual-use projects, where industry contributes its own resources and use of contracts would not be appropriate. Indeed, ARPA expects to utilize that authority extensively to implement the programs under the Technology Reinvestment Project.

My amendment would permit ARPA on a pilot basis over the next 3 years to experiment with use of cooperative agreements in carrying out its purely military research and development projects, to which we should not expect industry to contribute its own resources. Use of this more flexible authority is consistent with the thrust of the National Performance Review which the Vice President submitted to the President yesterday and with the desire for more flexibility in the defense acquisition system. ARPA led the way in use of cooperative agreements for dual-use projects, such as the high-performance computing program. I am sure the agency will make good use of this new authority and urge my colleagues to support this amendment.

Mr. NUNN. This amendment allows ARPA to use the authority in section 2371 of title X, U.S.C. to carry out pilot projects that are directly relevant to weapons or weapons systems. This amendment will allow ARPA to use the cooperative agreements for purely military research as a 3-year test.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered on behalf of the Senator from New Mexico [Mr. BINGAMAN] is agreed to.

The amendment (No. 802) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 803

(Purpose: To extend the review of the Waste Isolation Pilot Plant in New Mexico)

Mr. NUNN. Mr. President, I send an amendment on behalf of Senator BINGAMAN and Senator DOMENICI to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 803.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 413, between lines 18 and 19, insert the following:

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

Mr. NUNN. This amendment would extend the period of time for four additional 1-year periods in which the Department of Energy may contract with the Environmental Evaluation Group to conduct independent evaluations of the design, construction, and operation of the waste isolation pilot plant in New Mexico.

Mr. BINGAMAN. President, the amendment which I am offering with Senator DOMENICI will extend the contract currently in force between the Secretary of Energy and the New Mexico Institute of Mining and Technology that enables the Environmental Evaluation Group [EEG] to conduct independent reviews and evaluations of the design, construction, and operation of the waste isolation pilot plant [WIPP] in New Mexico.

This contract was first authorized in the 1989 Defense Authorization Act and will expire next year if not extended. This amendment provides for a simple 5-year extension of the contract and is needed to allow the EEG to continue their important work.

Additionally, Public Law 102-597, the WIPP Land Withdrawal Act, enacted into law last year requires the Secretary of the Energy to consult and cooperate with the EEG under the terms of the contract first authorized in 1989. In order for the Secretary to comply with the law and congressional intent, it is necessary to extend this contract.

This amendment has been cleared by the Energy and Natural Resources Committee on both sides of the aisle and by the Armed Services Committee on both sides. My staff has been informed that Tom Grumbly, Assistant Secretary of Energy for Environmental Restoration and Waste Management, has no objection to the amendment.

I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 803) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 804

(Purpose: To improve pricing policies for use of major range and test facility installations of the military departments)

Mr. NUNN. Mr. President, on behalf of Senators DECONCINI, DOMENICI, and BINGAMAN I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DECONCINI, for himself, Mr. DOMENICI, and Mr. BINGAMAN, proposes an amendment numbered 804.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 190, below line 24, add the following:

SEC. 825. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct cost to the United States that areassociated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities."

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Mr. NUNN. Mr. President, this amendment allows test facility commanders to set prices for the commercial use of DOD test facilities. Revenues from commercial use would be retained by the facility to defer costs rather than returned to the Treasury.

This is a more flexible pricing policy which would tend to attract commercial businesses to DOD test facilities. I urge the adoption of the amendment.

Mr. DOMENICI. Mr. President, I rise today to cosponsor the amendment offered by the Senator from Arizona, Senator DECONCINI, on the improvement of pricing policies for use of "major range and test facility installations of the military departments." This amendment will allow the service Secretaries to enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at major range and test facility installations.

Earlier this year, I introduced a bill to create the Commission for the Study of Dual-Use Application of Facilities and Resources at White Sands Missile Range Act. With the end of the cold war, the demise of communism, and the resurgence of democratic principles across the world, the United States has an opportunity to expand its attention and resources to economic growth and job creation in the American economy.

I had intended to offer my bill as an amendment to the DOD authorization bill. However, the report accompanying the bill contains language that directs the Secretary of Defense to appoint a Commission to study if some of our Nation's defense test centers, laboratories and other acquisition infrastructure could be converted to serving the commercial needs of the country. After engaging in a short colloquy with the distinguished chairman of the Armed Services Committee, and his assurances that WSMR was one of the facilities that could be studied under this

section, I decided against offering my amendment.

I believe that the assurances of the chairman, coupled with the DeConcini amendment satisfy my concerns; namely, that DOD installations like WSMR be given the authority to enter into contracts to perform work for private industry.

White Sands is already collaborating with the private sector. For example, White Sands Missile Range's electromagnetic radiation effects facilities are being used to test air bags for Chrysler, Honda, and Nissan. This testing is to ensure that the air bag system will not erroneously deploy due to spurious electromagnetic radiation. White Sands Missile Range's shock and vibration facilities are being used to test shipping crates for Phillips Electronics. Phillips Electronics was experiencing a large failure rate in their electrical transformers after shipping. White Sands Missile Range is subjecting the creates to a series of vibration and shock tests. Finally, White Sands Missile Range's large temperature test facility is being used to test the heating and cooling system in General Electric's trailer-sized magnetic resonance imaging system. I believe that these examples are just the tip of the iceberg of what can be accomplished, Mr. President.

I believe that the amendment that the Senator from Arizona has offered will help facilitate collaboration for all of the major range and tests facility installations, and I am pleased to cosponsor this amendment. I urge my colleagues to support it, and I thank the Senator from Arizona for his fine work in this regard.

Mr. DECONCINI. Mr. President, I rise today to offer an amendment concerning pricing policy at major Department of Defense range and test facilities. I am pleased to be joined in this effort by both of the distinguished Senators from New Mexico, Senator BINGAMAN and Senator DOMENICI.

As you may be aware, Mr. President, the range and test facilities operated and maintained by the Defense Department are unique assets which have been developed and assembled over many years with considerable effort. Land has been set aside and future growth and development adjacent to these ranges has been limited so that the Departments of Defense and Energy are able to effectively develop and test the defense systems which have proven themselves in engagements such as Operation Desert Shield/Desert Storm.

Indeed, this Nation is fortunate that farsighted Government officials—going back to Gen. John Pershing at the turn of this century—recognized the advantages to the Army of having access to a desert test range such as that which has been developed at the Yuma Proving Ground in Yuma, AZ. This is but one example of the importance and uniqueness of these facilities. As we reduce our presence overseas, and as our access to overseas ranges is proscribed, facilities such as the Yuma Proving Ground and others here in the United States become even more important.

However, in an odd twist of fate, current regulations oftentimes limit or otherwise inhibit private U.S. companies from gaining access to these ranges at competitive prices. Often, these companies are forced to utilize similar facilities overseas in order to test a product and ultimately ready it for commercial sale. And, in the current need to reduce DOD infrastructure, there has been discussion of closing or consolidating some of these facilities because they are underutilized. If we do not allow the private sector access to the ranges, and we close them because there is not enough work for them to do, then we force U.S. companies and U.S. jobs overseas. This does not make any sense.

If we in the Congress are serious about putting some muscle behind the much-discussed phrase "defense conversion," then we should seriously examine the feasibility of allowing U.S. private sector companies access to our major DOD range and test facilities when they are not otherwise being used for their original purpose by the Defense Department. This makes a great deal of sense.

My amendment allows the Defense Department to establish pilot programs for the commercial use of major range and test facilities. It also ensures that such programs do not interfere with the regular activities being performed by the Armed Forces. As the Defense budget is further reduced, efforts permitting the utilization of these major range and test facilities by the commercial sector will help maintain these strategic assets at a reduced cost to the Defense Department, and thus the American taxpayer.

I thank my colleagues from New Mexico for their strong support and guidance in developing this legislation. I understand that this bipartisan amendment is supported by the Department of Defense. To this Senator it makes a great deal of sense for DOD to pursue the options provided for in this amendment, and I urge its adoption by the Senate.

Mr. BINGAMAN. Mr. President, I rise in support of the amendment offered by Senator DECONCINI regarding pricing policy at major range and test facilities.

Mr. President, the Defense Department's major range and test facilities are critical and in many cases unique U.S. assets. While the DOD range and test infrastructure represents a very large U.S. investment, the declining defense budget has impacted these facilities. In the coming years, we are in danger of losing critical capabilities that should be maintained. This amendment, which would facilitate the use of Department of Defense range and test facilities by the U.S. commercial sector, will go far in helping us maintain critical assets at a lower cost.

The type of government-industry partnership proposed by this amendment is very much in line with the efforts by the Armed Services Committee to support government-industry R&D partnerships and promote dual-use capabilities, as well as with the administration's efforts to reinvent government. This amendment allows the Department to establish pilot programs for the commercial use of major range and test facilities, when that use does not interfere with the military mission of those facilities, thereby lowering the cost of maintaining our testing infrastructure while benefiting the private sector.

By way of example, there is a major range and test facility in my State of New Mexico, White Sands Missile Range, with many capabilities that would be of interest to the private sector. However, under current policy it is difficult for the private sector to make use of this facility. I am informed that in some cases U.S. companies are even forced to go overseas to do the testing necessary to bring a product to market. This amendment will help facilitate the use of this critical testing infrastructure by the U.S. private sector and keep those jobs here at home.

Mr. President, this amendment is supported by the Department of Defense and by Members on both sides of the aisle. I believe that it is good government, and I urge my colleagues to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

AMENDMENT NO. 805

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator SMITH. I think I shall read this because I think it is rather interesting. If I may, I will read this prior to the clerk reporting it.

This amendment requires the Secretary of the Navy to award the Expeditionary Medal to those naval personnel who participated in the task force which supported the Doolittle Raiders in their attack on Tokyo in April 1942.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 805.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

The Secretary of the Navy shall direct that members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

Mr. WARNER. If the chair will indulge the Senator from Virginia while I have a momentary conversation with the chairman?

Mr. NUNN. Mr. President, Senator WARNER and I conferred on this. We believe this needs for further examination. It may be we will agree with this tomorrow, but we will withdraw the amendment.

Mr. WARNER. I concur in that. Chairman NUNN and I, I think, basically are in favor of the concept, the objective. We just want to make sure if the Senate desires to take this action, that all persons who were involved in that raid were considered so that no one be omitted. This seems to be restricted to one branch of the service. We want to make certain the other members of the other branches of the service, the Marine Corps—this does not say Navy Department. It just says the Navy. I concur in that.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 805) was withdrawn.

AMENDMENT NO. 806

Mr. NUNN. Mr. President, on behalf of Senator LEVIN, I offer an amendment to authorize the Department of Defense to reprogram, subject to the normal review procedures, up to $40 million for procuring and testing unmanned aerial vehicle systems consisting of nondevelopmental items to fill an urgent requirement for unmanned reconnaissance systems. Fielding an unmanned reconnaissance capability is critically important to military capability in future contingency operations.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. LEVIN, proposes an amendment numbered 806.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Interim Reconnaissance Program. (a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-developmental airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 806) was agreed to.

Mr. WARNER. Mr. President, I ask the Senator from Virginia be named as a cosponsor. I served on the subcommittee with the distinguished Senator from Michigan [Mr. LEVIN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 807

Mr. NUNN. Mr. President, on behalf of Senators KENNEDY and COHEN I send an amendment to the desk to delete a portion of a provision in last year's Authorization Act that would require the Air Force to use only fiscal year 1993 funds to conduct live-fire survivability testing on the C-17 aircraft. Additional testing will fall in other fiscal years. We believe this testing is important.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself, and Mr. COHEN, proposes an amendment numbered 807.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . Live-Fire Survivability Testing of C-17 Aircraft.

Section 132 (d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993."

Mr. NUNN. Mr. President, we urge that the Senate adopt this amendment to permit this C-17 testing to proceed in an orderly fashion.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 807) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 808

(Purpose: To express the sense of the Senate relating to equitable treatment for members of the Armed Forces from outside the continental United States in the provision of excess leave and permissive temporary duty in connection with the separation of the members from the Armed Services)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 808.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 156, between lines 2 and 3, insert the following:

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

Mr. NUNN. Mr. President, this amendment expresses the sense of the Senate that separating military personnel with the home of record outside the continental United States shall be eligible for the same amount of excess leave or permissive temporary duty, PTD, as separating military personnel

with a home of record in the continental United States.

I urge the adoption of the amendment.

Mr. AKAKA. Mr. President, the amendment I am offering today will provide equitable treatment for Armed Forces personnel who are stationed, or whose home of record is, outside the continental United States.

There have been a number of occasions where military personnel stationed at non-foreign bases have been denied basic benefits normally afforded to servicemembers because of that post. There have also been those who, as a result of the present build-down, have attempted to return to their home of record outside the continental U.S. only to be discriminated against by policies established by the Defense Department.

Several years ago, the Department of Defense implemented a policy for dependent relocation which discriminated against military personnel whose home of record was outside the continental United States.

A particular incident comes to mind in which a servicemember whose home of record was non-CONUS was ordered to a new overseas permanent station from a base in the United States. As allowed, he requested that his family accompany him to the new post. Since housing was unavailable at the new location and anticipated vacancies could not be projected, the service denied concurrent travel with his family. Under normal circumstances, the service member would have had the right to temporarily relocate his family to the home of record until suitable housing became available. However, since his home of record was non-CONUS, his request for temporary relocation was denied.

I understand that fiscal constraints have an affect on many decisions that are being made today. However, if you compare the expense of transporting a military serviceperson with three dependents between San Diego, California, and Honolulu, Hawaii, with that of travel from San Diego to Washington, D.C., you would find that there is no significant difference. The average cost of transporting a military family the 2,612 air miles from San Diego to Honolulu is $10,512. The move from San Diego to Washington, D.C. is 2,275 air miles, at a cost of $8,796. On a per-mile basis, you save 4 percent.

To deny benefits and assistance to members and their dependents simply because their home of record is not part of the contiguous United States is inappropriate. In fact, the need for family support, which is one of the reasons dependents are allowed to return to their home of record in such situations, is even more critical for those from non-foreign states and territories.

This is not an isolated example of a discriminatory policy either. Just this year, another servicemember, whose home of record was non-CONUS, was preparing to return home on Permissive Temporary Duty [PTDY]. PTDY is provided to individuals who are honorably discharged involuntarily, or have separated under the Voluntary Separation Incentive [VSI] and the Special Separation Benefit [SSB] programs. The policy established by the Department of Defense provided 20 days of PTDY to individuals stationed in CONUS and 30 days for those stationed in non-CONUS. This was obviously prejudicial against those individuals who had to leave their CONUS posts for their homes in the non-contiguous states or territories. The matter was brought to the DOD's attention by Congressman Robert Underwood. As a result, the PTDY policy was changed to provide 30 days of leave to individuals returning to their home of record in the non-contiguous states or territories.

The amendment I am offering today will ensure that servicemembers from outside CONUS are eligible for the same amount of PTDY as those who are from CONUS. It also seeks to correct other inequities by requiring the Defense Department to provide Congress with a report on all personnel allowances and policies which treat CONUS-stationed personnel differently from non-CONUS personnel, as well as recommendations on how to remedy them. It is time to recognize the contributions of all members of our Armed Forces, regardless of their home origin. Members who have sacrificed for the defense of this nation should not be overlooked or denied equal benefits simply because they come from Hawaii, Alaska or the U.S. territories or possessions. Those who have served their country with distinction should be treated with dignity and be afforded the same opportunities and benefits as their counterparts from the 48 contiguous states—no more but, certainly, no less.

I understand that this amendment has been accepted by both sides of the aisle. I thank the Chair and the Ranking Member for their support. Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 808) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 809

(Purpose: To authorize the burial in Arlington National Cemetery of the remains of former prisoners of war)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Rhode Island, Mr. CHAFEE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. CHAFEE, for himself and Mr. THURMOND proposes an amendment numbered 809.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

Mr. CHAFEE. Mr. President, my amendment will allow all prisoners of war—or POW's—from World War I, World War II, and the Korean war to be buried at Arlington National Cemetery. This will correct what, in my view, was a bureaucratic oversight, that has prevented thousands of veterans from being buried at Arlington Cemetery.

Currently, burial at the cemetery is limited to those who were killed in action, those who retired from the military with over 20 years of service, those with more than a 30 percent service connected disability, and recipients of the Purple Heart or other medals above the Bronze Star. In the 1960's an Executive Order awarding the Purple Heart to all future prisoners of war was issued, therefore entitling Vietnam era POW's to burial at Arlington Cemetery. This order was not made retroactive because of a Pentagon decision in the wake of World War II that injuries incurred during captivity constituted war crimes and should not be recognized as injuries incurred in war. Almost 50 years later, this distinction no longer makes sense.

Some may feel that if we allow these POW's to be interred at Arlington Cemetery, space will be depleted sooner than it otherwise would. Yet at present, there are 38,000 burial spaces remaining and between 50,000 and 100,000 columbarium spaces remaining at the Cemetery. As such, space will remain available there until the year 2025. The American Ex-Prisoners of War Association estimates that out of

the 60,000 living prisoners of war, 75 percent currently qualify for burial at the Cemetery anyway. Of the remaining 25 percent only 5,000 have requested space there. Thus this measure will not accelerate the process of filling the Cemetery to any great degree.

Mr. President, I am certain my colleagues would agree that the torture and mistreatment American soldiers suffered in Japanese, German, or North Korean POW camps was no different than the conditions endured by those in Vietnam, and later conflicts. How can we deny our men and women who fell prisoner as they defended their country in World War I, World War II, and the Korean War the honor of burial at Arlington Cemetery? They, too, were subject to transport, like cargo, on crowded ships and boxcars, lack of medical care, grossly inadequate food, poor living conditions, forced marches in the middle of winter or in the jungle, and solitary confinement for refusal to divulge military plans and secrets.

Arlington National Cemetery is reserved for those who served their country to an exceptional degree. I believe that these World War I, World War II and Korean War POW's also served to an exceptional degree, and have earned the right as those who are already eligible under the law.

I think my colleagues would agree that survivors of the "Death March" to prison camps on Bataan and Corregidor should be granted the honor of burial at Arlington cemetery. And yet under current regulations, some of these POW's are denied this honor.

All prisoners of war who have served honorably have earned the privilege to be buried at Arlington National Cemetery. And I would urge my colleagues to honor our proud, brave POW's and vote for the passage of my amendment.

Mr. WARNER. I ask unanimous consent that the Senator from Alaska, Mr. MURKOWSKI, be designated as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 809) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

(Purpose: To make findings regarding maintenance of defense cooperation between the United States and Israel)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Arizona, Mr. MCCAIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 810.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 233, after line 23, insert the following:

SEC. 1056. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversely armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthing United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

Mr. MCCAIN. Mr. President, my proposed amendment would serve to preserve the balance of power in the Middle East by continuing to support the qualitative edge of the Israeli military.

There are many benefits to the United States resulting from our strategic relationship with Israel. I commend the administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries through technical cooperation, particularly in the areas of missile defense and counterproliferation.

The threat of conflict underscores the everyday existence of countries in the Middle East. I believe that negotiation is always preferable to conflict, however, this same belief is not shared as strongly by the Arabic countries which border Israel. Strengthening United States-Israeli defense ties provides an incentive for Arab states to pursue negotiations.

Mr. President, the initiatives currently being undertaken in the area of technical United States-Israeli relations, such as: The United States-Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group are commendable. These bodies should continue to work to strengthen existing cooperation mechanisms and break down any barriers which may exist to hinder further collaboration.

Despite the ongoing process to bring about a lasting Middle East peace accord, Israel continues to face a difficult threat environment which is compounded by the proliferation of weapons of mass destruction and ballistic missiles. To help Israel maintain its qualitative edge, I recommend that any item, designed to prevent attacks by these types of weapons, which is offered for release to any NATO member, should also be available for purchase by Israel unless that would contravene United States national interests.

Furthermore, since Israel has not yet been accepted as a member of the Missile Technology Control Regime [MTCR], but has agreed to comply with its guidelines, Israel should be entitled to the same status with respect to technology exports and imports as MTCR signatories so long as Israel abides by the MCTR guidelines.

I believe this legislation will enable Israel to continue to negotiate with her neighbors in good faith, and will pay substantial dividends to the United States.

Mr. President, my amendment is a sense-of-the-Congress amendment with a simple purpose. It states our commitment to maintain Israel's military edge, and to strengthen military and technical cooperation between the United States and Israel. It declares what I believe we all agree is the policy of the United States: That our commitment to the security of Israel is just as strong in the post cold war era as it has been before.

I believe that we need to restate this policy for several reasons. First, because peace in the Middle East can only be based on a strong Israel which can deter and repel aggression. Second, because nations like Iran and Iraq must have no doubt about American policy towards Israel. And third, because Israel's neighbors must not confuse our search for a just peace with a lack of commitment to Israel's security.

We all hope that the present negotiations will bring peace to the Middle East. We hope that Israel will be able to live in peace and security. We hope that the Palestinians will find an acceptable political settlement, and that the threat of war along the Jordanian, Lebanese, and Syrian borders will end.

As recent weeks have shown, however, peace is a hope, but conflict is a reality. The conflict along the Lebanese border, and the shipment of Iranian arms to the Hezbollah, are further

warnings that only a strong Israel can deter broader and more serious conflicts in the Middle East. These incidents are also warnings that only a strong Israel can ensure that a just peace is not broken.

The amendment I propose recognizes that fact. It is a signal to the world that we will continue to provide Israel with the aid and technology that is the key to deterring war in the Middle East, to support a strong Israel, and make peace the only alternative. It is a pledge to maintain the level of strength needed to sustain a peace settlement.

It is also a statement that if the peace negotiations should fail, or the proliferation of weapons of mass destruction should continue unchecked, Israel will never be left without the technology and support it needs. It is an assurance that peace is the only option, and that our friendship and alliance is unbreakable.

Mr. President I ask unanimous consent that other material be printed in the RECORD.

QUALITATIVE EDGE FOR ISRAEL

The Committee recognizes the many benefits to the United States resulting from our strategic relationship with Israel. The Committee commends the Administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries. The Committee supports the Administration's desire to enhance Israeli-American military and technical cooperation, particularly in the areas of missile defense and counter-proliferation. The committee believes that maintaining Israel's qualitative edge and strengthening United States-Israel defense ties will help insure that Israel has the military strength and political support necessary for taking risks for peace, while providing the Arab states with an incentive to pursue negotiations instead of war. Further, the Committee compliments the establishment of the United States-Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group. The Committee believes these bodies should work to strengthen existing cooperation mechanisms and break down barriers to further collaboration.

Despite the peace process, Israel continues to face a difficult threat environment compounded by the proliferation of weapons of mass destruction and ballistic missiles. To help Israel maintain its qualitative edge, the Committee recommends that it be United States policy that an item offered for release to any NATO member should concurrently be available for purchase by Israel, unless that would contravene United States national interests. Furthermore, since Israel has not yet been accepted as a member of the Missile Technology Control Regime [MTCR] but has agreed to comply with its guidelines, Israel should be entitled to the same status with respect to technology exports and imports as MTCR signatories so long as Israel abides by the MTCR guidelines.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 12, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my continued commitment to a strong U.S.-Israeli strategic relationship. As you are well aware, Israel is one of our most important allies in a volatile area of the world. Israel shares our commitment to democratic values, and provides the U.S. with opportunities for strategic cooperation including: prepositioning of defense materials, access to strategic ports and ship repair, combined military exercises, and joint high-tech weapons research and development.

Based on my commitment to a strong and growing U.S.-Israeli strategic relationship, I fully support the Administration's request for $56.4 million within the Theater Missile Defense account for continued funding of the U.S. share of the Arrow Continuation Experiments phase II program. As the Acting BMDO Director, Major General Malcolm O'Neil, recently stated, "We have real evidence of significant benefit that has been given to the United States through the [Arrow] program." I also understand that the Administration is currently negotiating with the Government of Israel to determine joint funding levels to support ancillary systems related to the Arrow test program. I believe funding of these ancillary systems is important to provide our country with the maximum technological benefit possible from this program.

I also support the Administration's funding request for the Joint Program Office for Remotely Piloted Vehicles, including the $69.3 million for Low Rate Initial Production of the Short Range Unmanned Aerial Vehicle (UAV) system and $180.112 million for Close and Short Range UAV R&D. As our experience in the Gulf War demonstrated, UAVs provide real time reconnaissance, surveillance, and target acquisition information without subjecting U.S. military personnel to risk while flying in enemy air space.

Further, I support the Administration's request of $60 million within H-1 development for continued Marine Corps procurement of the Night Targeting Systems for the AH-1W Super Cobra attack helicopter. This system will give the Cobra extra capability to operate at night and in adverse weather conditions. I also support the Administration's request for $20 million in Navy procurement for the Multisensor Stabilized Integrated Systems, enabling effective day and night observation capabilities in the most adverse weather conditions.

As part of our efforts to save funds in these times of drastic defense cuts, I also support the Administration's $34.913 million request for the Foreign Comparative Testing program. This program allows the DoD to test and evaluate off-the-shelf technology of foreign companies for possible inclusion in the U.S. defense arsenal, saving valuable U.S. defense dollars. In addition, I support the Administration's request for $15 million within Air Force O&M for the U.S.A.F.E. F-15 O&M. In 1991, IAI/Bedek was awarded a five year contract for the maintenance and repair of 60 U.S.A.F.E. F-15s.

I support the Administration's request for $20.811 million within Air Force RDT&E for the KC-135 Aerial Refueling program. This program will provide refueling capabilities for some of the KC-135 aircraft in order to use these planes to refuel Navy fighters. The need for this capability was demonstrated in the Gulf War. This worthwhile program also has the potential to further strengthen U.S.-Israeli security cooperation through the participation of Israeli firms in the program.

Finally, I support the inclusion of language in the FY-1994 Defense Authorization bill supporting the United States' continued commitment to maintain Israel's qualitative military edge over its enemies. I wholeheartedly advocate the continued growth and strengthening of the U.S.-Israeli strategic relationship. Through joint research and development efforts, joint military planning and exercises, enhanced pre-positioning of military equipment, as well as concerted efforts to lower barriers to trade, we can continue to help provide Israel the necessary tools to enable her to defend herself while increasing U.S. security and protecting U.S. interests.

Thank you very much for your concern regarding these issues. I look forward to working with you to ensure their eventual passage.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 810) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 811

(Purpose: To increase flexibility in the authority to allot space in Federal buildings to credit unions)

Mr. NUNN. Mr. President, on behalf of the distinguished occupant of the chair, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BRYAN, for himself and Mr. COATS, proposes an amendment numbered 811.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

Mr. WARNER. Mr. President, I note this is an amendment cosponsored by the Senator from Indiana [Mr. COATS]. It appears also that the Senator from Michigan [Mr. RIEGLE] and the Senator from New York [Mr. D'AMATO] are to be cosponsors. I ask unanimous consent that they be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, as the Chair well knows, this being his amendment, this amendment is really in the jurisdiction of the Banking Committee, but we have been requested by both the chairman and the ranking member of the Banking Committee to agree to the amendment.

This deals with the Federal Credit Union Act, title 12, United States Code, section 1770, by adding after the phrase "at least 95 percent of membership" the following words: "to be served by the allotment of space."

This amendment gives greater flexibility to the 95-percent rule. It will clarify that credit unions could continue to occupy space on Federal property provided 95-percent of those who use the office on Federal property meet membership criteria, thus offering needed flexibility. It also ensures allotment of space of the credit union to continue to receive no special provisions for space and would not result in any increased cost to the Government.

I urge the adoption of the amendment.

Mr. WARNER. I ask unanimous consent that a letter addressed to the distinguished chairman of the Armed Services Committee, signed by Senators D'AMATO and RIEGLE, be printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, July 27, 1993.

Hon. SAM NUNN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

Hon. STROM THURMOND,
Ranking Republican Member, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATORS NUNN AND THURMOND: We are writing to ask you to incorporate an amendment into the defense authorization bill dealing with the allotment of space in federal buildings for credit unions.

This amendment is technical in nature and it would merely clarify current law. The amendment would continue to allow credit unions to occupy offices on military bases if 95% of the members using the office located on federal property are military or federal employees and family members of these employees—even if they were forced to expand their field of membership to individuals outside the military base. Off-base facilities, however, would not receive special treatment and would be subject to all the normal expenses of credit unions in similar areas, including the payment of rent and logistic expenses.

The Department of Defense supports this change and had approved the Defense Credit Union Council's request for a moratorium on the application of the "95%" rule to allow time for congressional action to amend the Federal Credit Union Act.

This is not a controversial amendment. This is an issue which needs immediate attention since the Banking Committee presently has no legislation which will move in a timely fashion. The need for the amendment results from the impending base closings and military downsizing, and it would be appropriate to attach this amendment to the FY94 defense authorization bill.

We respect your desire to keep the defense authorization bill clean. However, we feel this issue is within the scope of the Armed Services Committee and the bill is the most appropriate vehicle to get this provision enacted into law.

Thank you for your consideration on this matter. If you have questions, have your staff contact Shellie Berlin or Gillian Garcia on the Banking Committee at 224-7391.

Sincerely,

ALFONSE M. D'AMATO,
Ranking Member.

DONALD W. RIEGLE, JR.,
Chairman.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 811) was agreed to.

AMENDMENT NO. 812

(Purpose: To amend the act to prevent pollution from ships to provide for the control of shipboard plastic and solid waste on certain ships owned or operated by the Department of the Navy)

Mr. NUNN. Mr. President, on behalf of Senators BAUCUS and CHAFEE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BAUCUS, for himself and Mr. CHAFEE, proposes an amendment numbered 812.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, between lines 11 and 12, insert the following:

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993."

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection

and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

Mr. NUNN. Mr. President, this amendment will provide a fixed set of deadlines for the Navy to comply with the Marpol Convention. The Marpol Convention is the international agreement to which the United States is a signatory that regulates the disposal of plastics on the high seas and plastics and solid waste in environmentally sensitive special areas such as the Persian Gulf, the Mediterranean, and the North Sea.

This amendment requires the Navy to be in full compliance with the high seas plastics requirement by 1998 and special area requirements by the year 2000.

I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, my good friend, the distinguished ranking Republican on the Environment and Public Works Committee, and I join in offering this amendment to S. 1298, the Department of Defense authorization bill. This amendment will put the U.S. Navy on a strict schedule for compliance with the Marine Plastic Pollution Research and Control Act of 1987 and Annex V of the International Convention for the Prevention of Pollution by Ships [MARPOL].

This amendment is the result of some extraordinary cooperation on the part of the Navy, a number of environmental groups, the Keystone Center, and other parties to find a workable solution that protects the environment while recognizing the Navy's operational realities. This is the kind of cooperation that can overcome gridlock. I want to thank all those involved in the effort, especially Senator CHAFEE, for their hard work and perseverance. I hope the spirit exemplified here will be reflected in the work of our committee on other environmental issues over the coming months.

Briefly, this amendment requires that the Navy end the discharge of plastics from all of its surface ships by December 31, 1998, and from its submarine fleet by December 31, 2008. The amendment also establishes an interim compliance schedule.

Mr. President, the Navy has undertaken a serious, good faith effort in recent years to reduce plastic pollution from its ships. In addition, it has special processing equipment currently under development that will allow it to meet the schedule set forth in this amendment.

Furthermore, the amendment requires the Navy to comply with the restrictions on the discharge of all solid waste within the so-called "Special Areas," such as the Mediterranean Sea and the Gulf of Mexico, by December 31, 2000, for its surface ships, and by December 31, 2008, for its submarines.

The amendment has the wholehearted support of the Department of the Navy and is endorsed by several environmental groups, including the Center for Marine Conservation, Defenders of Wildlife, Ocean Advocates, the American Cetacean Society, the American Oceans Campaign, and the Gulf Coast Fisherman's Environmental Defense Fund. It is worthy of my colleagues' support.

Mr. CHAFEE. Mr. President, today I rise to join my colleague, the chairman of the Committee on Environment and Public Works, Senator BAUCUS, in offering an amendment to a law that is within the jurisdiction of the Committee on Environment and Public Works, the Act to Prevent Pollution from Ships. The amendment deals with the U.S. Navy's compliance with the major requirements of MARPOL Annex V, an international treaty which restricts and prohibits the dumping of garbage from ships at sea.

Although the Department of the Navy has been developing innovative waste technologies in order to implement Annex V, the Department cannot feasibly comply with all of the legislated requirements by December 31, 1993. The Navy does, however, expect to achieve surface ship compliance with the Annex's plastic dumping provisions by 1998 and submarine compliance by 2008. I might add, Mr. President, the Navy has given priority status to this program and is working to accelerate development, procurement, delivery and installation of plastic waste processing equipment on board its fleet.

Mr. President, our amendment is straightforward and is intended to provide the Navy with a stringent but rational schedule for compliance with Annex V. First, the proposal would give the Navy a 5-year window for complete compliance with the plastic dumping provisions of Annex V for its surface fleet and a 15-year schedule for its submarine fleet. Second, the amendment requires the Navy to submit to a plan to Congress within 3 years on compliance with the Annex V provisions regarding no-dumping of waste within special areas. Further, as specified by the amendment, by December 31, 2000, all surface vessels and by December 31, 2008, all submarines operated or owned by the Navy must comply with the special area requirements.

This amendment represents the combined efforts of the Department of the Navy, the distinguished chairman of the Environment Committee, Senator BAUCUS, myself, and several environmental groups. I commend the Navy and the interested parties from the environmental community for the willingness to work together to find a solution. At this point, I would like to submit letters of support from six of the environmental groups involved in the negotiations on this amendment for the RECORD.

Mr. President, this amendment represents a commonsense approach to dealing with the requirements of Annex V and establishes a clear-cut schedule for Navy compliance. I urge

my colleagues to support the amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1993.

Hon. SAM NUNN,
Hon. STROM THURMOND,
Hon. MAX BAUCUS,
Hon. JOHN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS NUNN, THURMOND, BAUCUS, and CHAFEE: On behalf of the following undersigned environmental organizations, we endorse the introduction of an amendment to the Department of Defense Authorization Bill, S. 1298, by Senators Baucus and Chafee on the Senate floor. As environmental members of the Navy Plastics Dialogue/Ad Hoc Advisory Committee on Plastics facilitated by the Keystone Center, we have been working closely with the Navy since 1987 on helping them solve their plastics and solid waste discharge problems.

The Baucus/Chafee amendment would give the Navy a five year schedule for complete compliance with the plastic dumping provisions of Annex V of the MARPOL Protocol for its surface fleet. Given the Navy's success so far in eliminating the overboard discharge of plastic debris, its expeditious development of a prototype for plastics waste processing, and the time necessary for procurement of said equipment, we feel this time frame is a legitimate one. The amendment will also require the Navy to report to Congress within three years on how they intend to comply, both technologically and environmentally, with the Annex V provisions for no-dumping of waste within special areas. The language in this provision, as part of a compromise, is acceptable to us. We welcome the opportunity to continue to work with the Navy and key congressional staff on issues dealing with special areas as we have in the past with the plastics' issue.

Because of some logistics problems beyond our control, we were unable to reach agreement with the Navy on appropriate language until today. We, however, do endorse the amendment and hope that Senators Baucus and Chafee will see fit to introduce it on the floor of the Senate this week. Thank you for your interest and concern with this issue.

Sincerely yours,

ALBERT M. MANVILLE, II, PH.D.,
SHARRON STEWART,
ANDREW PALMER, ESQ.,
SALLY ANN LENTZ, ESQ.,
BARBARA BRITTEN.

CENTER FOR MARINE CONSERVATION,
September 8, 1993.

Senator JOHN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: The Center for Marine Conservation supports the proposed amendment to the Department of Defense Authorization Bill, S. 1298, offered by you and Senator Baucus, which requires Navy to comply with the Marine Plastic Pollution Research and Control Act (MPPRCA). Specifically it requires compliance with plastic discharges restrictions by December 31, 1998 and all restrictions in Special Areas by December 31, 2000.

We have been active participants in the Navy Plastics Dialogue/Ad Hoc Advisory Committee on Plastics for six years. As such, we have worked with the Navy, other environmental groups, and congressional staff on the amendment to be offered. It has been our pleasure to work with a variety of groups who we understand are also endorsing this amendment.

We endorse this legislation and its intent. We look forward to working with the Navy and Congress on its implementation.

We appreciate your assistance in bringing Navy into compliance with the MPPRCA, and your work toward a better marine environment.

Sincerely,

KATHRYN J. O'HARA,
Pollution Prevention Director.

Mr. THURMOND. Mr. President, I support the amendment offered by my colleagues, Senator BAUCUS and Senator CHAFEE. Their amendment, called the Shipboard Plastics and Solid Waste Control Act of 1993, will extend compliance deadlines for restrictions on waste discharges at sea by U.S. Navy ships.

It is reasonable to extend the deadlines because technology does not exist which would enable the Navy to comply with current law. Without the compliance extensions contained in this amendment, no Navy ship could stay at sea longer than 3 days. This is, of course, a serious detriment to our most important defense interests which we in this chamber cannot permit to occur.

The Navy continues to work hard with industry to develop the needed technology and equipment. This amendment will give the Navy the time it needs to complete research and development, and to plan the ship modifications which will be required.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 812) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 813

(Purpose: To promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes)

Mr. NUNN. Mr. President, on behalf of Senators JOHNSTON, BINGAMAN, DOMENICI, WALLOP, CRAIG, and SIMON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for Mr. JOHNSTON for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. WALLOP, Mr. CRAIG, and Mr. SIMON, proposes an amendment numbered 813.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

(The text of the amendment is located in today's RECORD under "Amendments Submitted".)

Mr. NUNN. Mr. President, this amendment adds additional provisions on technology partnership and technology transfer activities to the existing provisions in the authorization bill. These provisions provide broad jurisdiction to DOE activities, utilizing all funds authorized and appropriated to the DOE to enter into a wide variety of technology transfer and partnership agreements with industry. These provisions will allow DOE to carry out its missions, including defense missions, in such a manner that will allow broad industry participation and will help maintain the DOE technology base.

I urge the adoption of the amendment.

Mr. JOHNSTON. Mr. President, I have offered as an amendment to the National Defense Authorization Act the Department of Energy National Competitiveness Technology Partnership Act of 1993. The amendment is virtually identical to S. 473, which was reported by the Committee on Energy and Natural Resources on June 24, 1993. There are a few differences between the amendment and S. 473 as reported, which I will explain in a moment. The amendment replaces sections of the National Defense Authorization Act that address many of the same issues dealt with in S. 473.

The amendment will provide more flexible authority to the Department of Energy to work with domestic industry to strengthen the economic and technological competitiveness of the United States. The Department now has a significant program of cooperation with industry to develop new technologies. This legislation will build on DOE's existing program in response to the new emphasis the Clinton administration is placing on U.S. competitiveness.

We have a great opportunity to forge a government-wide policy for advanced technology development in the 103d Congress. Earlier this year, President Clinton forwarded to Congress the administration's technology initiative, which includes proposals to increase and expand the partnerships between our national laboratories and industry. Similarly, a number of our colleagues have introduced legislative proposals to improve the competitiveness of U.S. industry. We need to work together—among committees in Congress and with the administration—to develop a coordinated effort.

The amendment provides for the Department of Energy's role in a national effort to improve the competitive position of U.S. industry and to stimulate economic growth in the United States. It will enhance the ongoing efforts of the Department of Energy to work with U.S. industry to utilize the significant science and engineering assets

at the national laboratories to address the needs of the domestic economy.

To date, the Department has joined with industry in over 500 cooperative research and development agreements with a total value over $700 million. Industry pays nearly 60 percent of the costs under these agreements. There is a tremendous opportunity for cooperative work with the Department's laboratories to develop new technologies. The Department of Energy is the Federal Government's largest employer of scientists and engineers and owns the nation's premier laboratories and facilities for basic science. No national technology policy can afford to ignore these assets.

The Department's laboratory system consists of 10 multiprogram national laboratories and approximately 20 other specialized program facilities around the country. Development of the laboratory complex stemmed from the Manhattan Project, and the primary focus of the laboratories' work was initially in the area of weapons production. Over the years, the scope of research and development within the laboratory system has been broadened to include the full spectrum of fundamental sciences. Almost every area of basic scientific knowledge is represented in the research activities of the laboratories.

The laboratories currently employ over 60,000 scientists, engineers and technicians, more than 8,500 of whom have doctorate degrees. In fiscal year 1993, the laboratories will carry out $6.6 billion worth of research and development. More than 50 Nobel Prizes have been awarded for work related to that performed at the national laboratories. No single laboratory or group of laboratories anywhere in the country can compare with this resource or match its record of accomplishment. The laboratory system has evolved into an interdisciplinary environment with the capability to undertake very complex research and development projects. Altogether, the laboratories represent one of the largest complexes engaged in fundamental research anywhere in the world.

Entire industries, as well as new companies and products, have evolved from technology initially developed within the Department's laboratories. Legislation over the last 10 years has promoted and simplified the transfer of technologies from the laboratories to the private sector. Yet, the laboratories' potential still remains largely untapped.

Several years ago, the Committee on Energy and NaturalResources began to reassess the missions and roles of the Department of Energy laboratories and to take a hard look at the adequacy of the mechanisms for technology transfer. In the 102d Congress, the Committee reported S. 2566, which was passed by the Senate in July 1992. As there was no companion measure in the House, there was insufficient time for the House to act on the measure.

On March 2, 1993, along with a number of my colleagues from the Committee on Energy and Natural Resources, I introduced S. 473, which builds on the Committee's work over the past several years. S. 473 reflects the input the Committee received during hearings held on the bill as well as input from industry, the educational community, the Department of Energy, and the laboratories. The amendment I offer today is virtually identical to S. 473. There are, however, a few differences that should be noted.

After S. 473 was reported by the committee, the administration developed a statement for the Department of Energy's laboratories that delineate their missions and responsibilities. The amendment replaces section 1102(a)(2)(C) of S. 473 with the Administration's statement.

The administration's statement clarifies the role of the departmental laboratories in developing technologies important to the nation. S. 473 as reported recognized the Department's traditional missions in national security, energy and technology transfer. S. 473 would have established industrial infrastructure as an appropriate mission of the departmental laboratories. Microelectronics, high-performance computing, transportation, advanced manufacturing, advanced materials, space, human health and environmental science were listed as examples of industrial infrastructure technologies. The departmental laboratories possess expertise in all of these areas of technologies. S. 473 authorized the departmental laboratories to pursue technology development in any of these areas, or any other area, as long as the activity built on the core competencies of the departmental laboratories.

The administration's statement recognizes the departmental laboratories traditional missions, referring to them as primary missions, and authorizes the laboratories to pursue missions that support the primary missions. The statement sets forth an illustrative listing of supporting missions—high-performance computing, advanced materials and advanced manufacturing. Many areas of technology not listed would also be appropriate supporting missions such as in microelectronics, transportation, space, human health and environmental science. To decide if an area of technology would be appropriate as a supporting mission, the Administration's statement provides a list of criteria. One of the key criteria is that the activity build upon the competencies developed at the laboratories in carrying out their primary missions and does not interfere with a primary mission. S. 473 similarly required the departmental laboratories to build upon the core competencies of the laboratories when developing technologies beyond the energy or defense missions.

The administration's statement also requires that in carrying out a supporting mission the Department consult and coordinate with other agencies. The purpose of this change is to ensure the maximum efficient use of the Federal Government's resources. The Department of Energy already consults and coordinates with other agencies in carrying out many of its technology activities. For example, the Department of Energy has worked within the Federal Coordinating Council for Science, Engineering, and Technology to establish the Department's role in the interagency high-performance computing and communications initiative. The amendment requires that industry views on supporting missions be solicited. Finally, the supporting mission should support the technology policies of the President.

Another important difference between S. 473 and the amendment should be pointed out. Section 7 of S. 473 dealt with important issues in the area of information infrastructure and technology. For example, a program was established at the Department of Energy that would lead to new applications for use on high-speed computer networks. Provisions in other legislation before the Senate, however, deal with similar issues. The provisions of S. 473 must be reconciled with these other provisions before this piece of S. 473 can move forward. I expect that we will work out these issues soon, and they will be considered by the Senate in a separate vehicle.

The amendment I have offered, which incorporates S. 473 with the changes I have outlined, will leverage the capabilities and resources of the Department of Energy laboratories through partnerships with U.S. industry and universities in key areas of technology such as an energy, high-performance computing, the environment, human health, advanced manufacturing, advanced materials and transportation. The amendment will establish a minimum goal for the percentage of each laboratory budget to be devoted to partnerships with industry, and it will provide more flexible authority to the Department of Energy to enter into partnerships with the private sector. Through these partnerships, a closer and more effective working relationship can be developed among the laboratories, U.S. industry, the educational community and other federal agencies. These relationships will improve the coordination between the laboratories and the private sector and ensure that technologies important to this country's long-term survival will be developed. The amendment ensures that benefits from these partnerships will accrue to the United States.

The legislation will also take bold new steps in the way the Department interacts with small businesses. The amendment directs the Secretary to grant preferential treatment for partnerships involving small businesses and allows the Secretary to waive cost-sharing requirements for small businesses who would otherwise be unable to participate in partnerships.

During the hearings on S. 473, the committee received testimony on the difficulty that minority colleges and universities have in competing for Federal research dollars. Because these other schools possess equipment and facilities far superior to those of minority colleges and universities, our minority institutions are at a significant disadvantage. Minority colleges and universities trail other colleges and universities in the number of students graduating in the sciences and in carrying out scientific research.

The amendment will help minority colleges and universities in achieving equal footing with other colleges and universities that have historically received the bulk of Federal research dollars. The amendment authorizes research or educational programs involving minority colleges or universities and requires the Department of Energy to identify opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The amendment will help students at minority colleges and universities in their study of energy-related scientific, mathematical, engineering, and technical disciplines by creating a minority college and university scholarship program.

This legislation will also establish a career path program to maximize the benefit that can be derived from laboratory employees. Scientists in the Department's contractor-operated laboratories frequently refuse to serve for a time in the Department as Federal employees, because employment restrictions in current law could threaten future career opportunities in the national laboratory system.

Even though the national laboratories perform exclusively governmental work with Government funding and Government-owned property to carry out Government programs, they are operated by contractors. If a person leaves laboratory service for work in the Department, and later returns to the laboratory system, he is subject to post-employment restrictions like any other former Federal employee now with a private contractor.

It is essential to effective management of the national laboratories that the laboratory employees, particularly those involved in the management of the laboratory, be able to communicate with Department officials in carrying out the day-to-day operations of the laboratories. Such communication, however, becomes virtually impossible when the laboratory employee has worked for the Department.

Mr. President, if this laboratory complex did not exist, we could not afford to create it in today's budget climate. We have these laboratories as a legacy from the time when the Nation invested heavily in the infrastructure of science for defense. These laboratories are on the brink of change in how they operate. With the end of the cold war, we are at a crossroads. As funding for nuclear weapons declines, it is prudent to redirect the activities of the national laboratories to help American industry and universities.

Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the Department's laboratories already do more civilian research than weapons research. But they can still do more. We now have the opportunity to use these laboratories to solve the problems of today. We must define a new mission for DOE's laboratories—that of contributing strongly to the Nation's technological and economic competitiveness. This amendment will redirect the resources of the laboratories—and streamline the process for doing business—to do just that.

Mr. President, this is an important amendment, and I urge its adoption.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator JOHNSTON in cosponsoring this amendment, which I believe is crucial to reorienting the DOE national laboratories, defense and civilian, to the post-cold war economic challenges facing this Nation.

The amendment we are offering today represents the result of three years of bipartisan effort by the Energy and Natural Resources Committee under Senator JOHNSTON's leadership. Senators WALLOP, DOMENICI, and CRAIG have all made important contributions on the Republican side, as has Senator MATHEWS on the Democratic side. It draws on a wide range of studies and is designed to promote our Nation's industrial competitiveness and economic growth by strengthening the linkages between the laboratories of the Department of Energy and the private sector.

The amendment, which contains most of the provisions of S. 473 as reported by the Energy Committee in May, is a critical component of our Federal technology policy, one that enjoys strong support from the President.

I have twice had the opportunity to join the President on visits to DOE laboratories. Last September 18 he visited Sandia during the campaign and on May 17 he visited Los Alamos. On both occasions the President spoke of his enthusiasm for the efforts of these "crown jewels in technology and science" in a broad rage of missions, including nonproliferation technologies, environmental and health care technologies, and industrial partnerships to support commercial industry. He was on both occasions particularly enthusiastic about the partnerships already forged between the labs and key sectors of our economy, such as semiconductors, high-performance computers, automobiles, and advanced materials.

Mr. President, we have a great opportunity to apply the enormous scientific and technical resources of the DOE national laboratories to the economic challenges facing this Nation. President Clinton and Vice President GORE in their February 22 technology policy statement clearly recognized this in calling on the multiprogram laboratories of the Department to devote 10 to 20 percent of their budgets to cost-shared partnerships with industry and in proposing to streamline the process whereby the private sector can enter into partnerships with the Federal labs.

We are convinced that the President's call to devote a larger percentage of the Federal R&D enterprise to industry-driven partnerships is exactly on the mark. We want to see the department and its laboratories play a role commensurate with their broad-ranging core competencies in this effort. In areas ranging from semiconductors and supercomputers to advanced materials to environmentally conscious manufacturing, the department and its laboratories clearly can and should work with industry to find synergies between the capabilities of the laboratories and the needs of industry.

I believe the amendment before the Senate today is totally consistent with the President's technology policy. The bill draws on a number of recent studies of lab-industry partnerships, including the work of the Office of Technology Assessment, the General Accounting Office, the Council on Competitiveness, the Center for Strategic and International Studies, and the Atlantic Council. On the key issue of the mission statement for the DOE laboratories, the President's Science and Technology Adviser, Dr. Jack Gibbons, on August 5 provided Senator JOHNSTON, Senator HOLLINGS and me language which has been incorporated in our amendment and which Senator JOHNSTON has described in his statement. I appreciate Dr. Gibbons' constructive contribution to moving this legislation toward enactment. I ask unanimous consent that his August 5 letter appeared in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection it is so ordered. See Exhibit 1. Our amendment is a complement to the other pieces of the President's technology policy, as Dr. Gibbons pointed out in his August 5, letter. It is a complement to Senator

HOLLINGS' bill, S. 4, which addresses the role of the Department of Commerce and the National Science Foundation in our technology policy. It is a complement to the work which the Armed Services Committee did in last year's defense authorization bill and is continuing in this year's bill to outline the role of the Department of Defense, especially the Advanced Research Projects Agency, in fostering the development and application of dual-use technologies in partnership with the private sector and State and local governments.

I have personally been associated with all of these legislative efforts and I want to emphasize today the importance of making the best use of all of our Federal R&D resources, of the core competencies of all of our agencies and laboratories, to achieve the goals we all share, namely the growth of our economy and the creation of good jobs for American workers. In my view a far larger share of the $75 billion Federal R&D enterprise needs to be driven by industry's needs and executed in partnership with industry. We need more SEMATECH's, more advanced battery consortiums, more textile consortiums, more biotechnology, materials and manufacturing consortiums. Each of the Federal mission agencies has a constructive role in this effort to build effective partnerships with industry and they need to work together, as they already are in the Technology Reinvestment Project, high-performance computing, and other areas to insure the most effective use of our limited Federal resources.

Senator JOHNSTON's amendment aims to make the Department of Energy's laboratories, both defense and civilian, full partners with American industry in the broad array of technologies in which they have unmatched resources and capabilities. I believe such partnerships will benefit both the labs in carrying out their missions and industry as it competes in the global marketplace.

We have been going down this path for only a very brief time. In 1989 the National Competitiveness Technology Transfer Act for the first time made an effective mechanism, the cooperative research and development agreement, available to the DOE laboratories to work with industry. That was 3 years later than the Government-operated laboratories, such as the National Institute of Standards and Technology, received this authority in the Federal Technology Transfer Act of 1986.

Much progress was made in the last administration toward using this authority and toward broadening the laboratories' missions to include greater partnership with the private sector. But the practice of the past 3 years has also revealed significant problems in building the DOE-industry partnerships which the President's technology policy is calling for. The reports by OTA, GAO, CSIS, the Council on Competitiveness, and the Atlantic Council which I mentioned earlier have cataloged those problems and recommended solutions. Secretary O'Leary, to her credit, has vigorously sought to resolve those problems within the constraints of current statutes.

What we are trying to do in our legislation is give the Secretary additional authority to move the Department in the direction she and the President want to go. In each of the problem areas identified in the various reports, we have either directly proposed a solution or put in place a process which will empower Secretary O'Leary to achieve a solution. Our goal, and it is one I know Secretary O'Leary shares, is to put in place in DOE and its laboratories flexible arrangements for conducting cost-shared partnerships with industry. We are trying to learn from the best practices across government, whether at the Advanced Research Projects Agency or the National Institute of Standards and Technology or the National Institutes of Health, and put those practices into place at the Department of Energy.

The amendment would:

First, provide a clear and expanded mission statement for the DOE and its labs in research, development and application of a broad range of critical technologies;

Second, streamline the process by which partnerships between the labs and private industry are approved and improve the attractiveness of partnerships to industry;

Third, encourage use of a broader range of partnership mechanisms, extending beyond the Cooperative Research and Development Agreement [CRADA];

Fourth, starting in fiscal year 1994, set a minimum goal of 20 percent of each multiprogram lab's budget for use in cost-shared partnerships with industry;

Fifth, strengthen the ability of the Secretary of Energy to enter into cooperative agreements with industry;

Sixth, establish industry advisory boards at both Department of Energy and lab levels to maximize industry's involvement in lab activities;

Seventh, encourage the laboratories to work with other Federal agencies to address the needs of industry; and

Eighth, encourage employees of multiprogram labs to take assignments within the Department of Energy.

I urge my colleagues to support this important amendment, and once again express my appreciation to Senator JOHNSTON for his leadership in this effort.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,

Washington, DC, August 5, 1993.

Hon. JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: As you know, President Clinton and his administration are committed to moving technology in a new direction to build America's economic strength and spur the Nation's economic growth. The President and Vice-President made clear in their technology policy document of February 1993 that they want all the technology programs and institutions in the Federal government to contribute effectively to these goals.

In this spirit, Vice-President Gore asked me to develop a statement for the Department of Energy's laboratories that would effectively delineate their missions and responsibilities, distinguishing them from those of other agencies with leading technology missions and at the same time assuring that special—and sometimes unique—capabilities in the Department of Energy laboratories are open to collaboration with industry and encouraged to contribute to the Nation's economic growth.

Over the past weeks, I have consulted with Secretaries Ron Brown and Hazel O'Leary and other members of the Administration to develop language that would meet the President's goals. Having reached agreement within the Administration, and on behalf of the Administration, I am sharing with you our conclusion on an appropriate and constructive statement of supporting missions for the Department of Energy's laboratories, in addition to their primary missions of national security and energy-related science and technology (Attachment A).

I also want to reiterate the Clinton Administration's firm commitment to early passage of S. 4, the National Competitiveness Act, and to strengthening the Commerce Department's technology programs. It is our intention to steadily increase funding for these programs, as announced in the President's vision statement of February 17, 1993. We also strongly support contributions to the President's technology goals from other government agencies, such as Secretary O'Leary's newly announced strategy to make cooperation between the Department of Energy and industry simpler and more effective.

We believe that the mission statement we have developed will effectively carry out the Administration's policies to use technology to build America's economic strength, and respectfully urge you to adopt it in relevant legislation.

Sincerely,

JOHN H. GIBBONS,
Director.

MISSION STATEMENT FOR DEPARTMENT OF ENERGY LABORATORIES [TO SUBSTITUTE FOR SUBSECTION 1102(a)(2)(C) IN S. 473]

(3)(A) In addition to the missions established in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions

(i) support the technology policies of the President; and

(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities; and

(iii) are built upon the competencies developed in carrying out the primary missions

defined in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties

(B) These supporting missions shall include activities in the following areas:

(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

Mr. DOMENICI. Mr. President, I join today with my colleagues; Senators JOHNSTON, WALLOP, and BINGAMAN, to propose an amendment to the 1994 Defense Authorization Act. This amendment is a landmark measure designed to maximize the use of the Department of Energy [DOE] national laboratories' flexibility and diversity in nondefense areas while maintaining the labs' abilities in their national security and energy-related science and technology missions. If enacted into law, the measure will permit the Secretary of Energy and the Congress to maintain the labs by funding their various, diverse missions.

This legislation permits the national laboratories to focus the genius of its scientists and engineers on the new priority of helping American industry improve its competitive position.

Under the terms of the legislation, the Secretary of Energy and the directors of the labs will be allowed to enter into partnerships with the private sector that build on the core competencies of the labs. The legislation would also streamline and speed up the process under which the labs work with industrial and academic partners.

This measure is a significant addition to the National Competitiveness and Technology Transfer Act of 1989 that was included in the 1990 Defense Authorization Act. It directs the laboratories toward broad partnerships with consortia of industry to develop generic and precompetitive technologies. The measure also directs the Secretary of Energy to resolve many of the issues that have made the process of working with the labs through partnerships slow and bureaucratic.

If enacted, this measure will significantly increase the value of our laboratories to the Nation. It will enable them to make unequalled contributions to national competitiveness and ensure their resources will be brought to bear on national challenges.

Specifically, the legislation will expand the laboratories' missions in areas such as high performance computing, communications, advanced manufacturing, energy efficiency, and environmental protection.

This measure sets a goal for the DOE to spend 20 percent of each labs' annual funding on partnerships with industry and requires the Secretary of Energy to ease the process through which industry and academia work with the labs. This will entail that the Secretary develop guidelines for dealing with complicated issues such as intellectual property rights, U.S. preference, and liability resulting from research and development conducted under partnerships. By developing guidelines, the Department will avoid the time-consuming case-by-case negotiations that have backed-up the present process for approving CRADAs.

This legislation will also provide special incentives for small business to a work with the labs through partnerships by waiving some of the cost-share requirements small businesses have a hard time meeting.

The legislation authorizes all the funds available to the Secretary of Energy to be used in partnerships and directs that the Secretary shall, as much as possible, use partnerships to fulfill the missions of the Department.

The measure encourages cooperation between the DOE and State and local programs for technology development and dissemination.

In addition to their existing missions, this legislation authorizes the labs to pursue supporting missions. Three areas in which the laboratories will have a supporting mission are explicitly stated in the legislation to serve as examples; high performance computing and communications, advanced manufacturing systems and technologies, and advanced materials. The departmental laboratories possess capabilities in a number of other areas such as microelectronics, transportation, space, human health sciences, and environmental science which could also serve as examples of areas in which it is appropriate for the departmental laboratories to pursue supporting missions.

Finally, the legislation includes a number of other provision directed toward improving the administration of the Department's technology transfer activities. These provisions include the establishment of the career path program to allow lab employees to serve in the Department and return to their lab positions, the creation of three Under Secretary of Energy positions, and the creation of a laboratory partnership advisory board.

This legislation will greatly improve the ability of the national laboratories to make their expertise and resources available to non-Federal partners. I would like to thank my colleagues with whom I have worked closely on this legislation, and I look forward to its enactment.

Mr. CONRAD. Mr. President, I would like to applaud the Senator from Louisiana, the distinguished Chairman of the Committee on Energy and Natural Resources, for introducing this legislation to strengthen the links between the technology programs at the Department of Energy and private industry. The Department of Energy has tremendous technological resources that could provide great benefits to the U.S. economy if they were brought to bear effectively on the problems facing U.S. industry. The key requirement is to create productive working relationships between the technology programs funded by the Department of Energy and partners in private industry.

The Energy and Environmental Research Center at the University of North Dakota is a shining example of success in technology partnerships with private industry. Though no longer a DOE facility, EERC has a long-standing Cooperative Agreement with the Department of Energy to support cost-shared joint ventures on energy and environmental technology with private industry. Under this agreement EERC receives roughly $2.5 million per year for the Jointly Sponsored Research Program, which requires at least an equal matching of funds by industrial partners.

Using funding provided by the Department of Energy in fiscal year 1993 EERC received matching commitments for over $2.8 million from 48 industrial partners. Mr. President, I ask unanimous consent that a list of these partners be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMMERCIAL SPONSORS—1993 JSRP PROJECTS

1 3M.
2 Ahlstrom Pyropower.
3 Air Products.
4 AMAX.
5 American Coal Ash Assn.
6 APC.
7 API.
8 Babcock & Wilcox.
9 Bennett Industries of Alabama, Inc.
10 BNI Coal.
11 CAPP (Canadian Assn. Petro. Producers).
12 Community Energy Alternatives.
13 CONSOL.
14 Contech-J.W. Brett.
15 Cooperative Power.
16 Cyprus Coal.
17 Dakota Gasification Co.
18 EnerTech Environmental Inc.
19 Enviromentor.
20 EPRI.
21 ESEERCO.
22 GRI.
23 ISGS.
24 J.R. Simplot Co.
25 Kansas City Power & Light.
26 Kellogg.
27 Knife River Coal Mining Co.
28 LA County Sanitation Dist.
29 MDU Resources.
30 Minnesota Power.
31 Minnkota Power Cooperative.
32 National Corn Growers Assn.

33 Nebraska Ash.
34 NIPSCO.
35 North American Coal Company.
36 NRG Energy Inc.
37 NSP.
38 N.D. Industrial Comm.
39 Ontario Hydro.
40 Otter Tail Power.
41 Peabody Coal.
42 Riley Stoker.
43 Southern Co. Services.
44 Union Electric.
45 Utility Fuels, Inc.
46 U. of NY—Stony Brook.
47 Wisconsin Power and Light.
48 Ziegler Coal.

Mr. CONRAD. Mr. President, because of this record of success, the Department of Energy recently agreed to extend this Cooperative Agreement with EERC for an additional 5 years.

Mr. President, I believe that the Jointly Sponsored Research Program at EERC is an example of the type of program that this legislation is designed to promote.

Mr. JOHNSTON. I agree that the Cooperative Agreement between the Secretary of Energy and the Energy and Environmental Research Center is a good model for coupling technology programs supported by the Department of Energy into partnerships with private industry. The Secretary of Energy and the Departmental laboratories could learn from the example of the Jointly Sponsored Research Program at EERC in carrying out the mandate of this bill to pursue technology partnerships.

Mr. CONRAD. There is no need to reinvent the wheel when it comes to technology partnerships. It would be unproductive to create new programs that displace successful programs like EERC. Am I correct in assuming that the intent of this bill is to build on existing models of success like EERC?

Mr. JOHNSTON. The Senator is correct. This bill is not intended to displace the successful program at EERC. It is my view that successful technology partnerships like the Cooperative Agreement between DOE and EERC should be encouraged.

Mr. CONRAD. As I read this bill, it gives the Secretary of Energy the authority to undertake technology partnerships in any program of research, development, demonstration and the commercial application of technologies. This is not limited to programs at the departmental laboratories. Is that a correct interpretation?

Mr. JOHNSTON. That is correct.

Mr. CONRAD. With its experience in joint ventures with industry, the Energy and Environmental Research Center has much to offer to the Department of Energy as it works to implement this bill. EERC has the entrepreneurial spirit necessary to seek out productive partnerships with the private industry and has built up strong working relationships with a large number of industrial partners. The Department of Energy should make use of EERC's resources and experiences in developing technology partnerships programs to carry out this act.

Mr. JOHNSTON. I agree with the remarks of my colleague from North Dakota.

Mr. CONRAD. I thank the distinguished Chairman for clarifying the intent of this bill.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 813) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 814

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senators JOHNSTON, WALLOP, BINGAMAN, DOMENICI, and CRAIG, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, and Mr. CRAIG proposes an amendment numbered 814.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 408, line 26, after "prescribes." insert:

"The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

Mr. NUNN. Mr. President, this is an amendment in the nature of a technical amendment that will conform the provision in the authorization bill adding an additional two Under Secretaries of the Department of Energy to the existing language in the Department of Energy Organization Act that established the management structure at the Department of Energy.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agree to.

So the amendment (No. 814) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The chair would entertain a motion to table.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I believe that that completes all the amendment that we are going to be able to complete tonight. I thank the cooperation of all Senators. We have had a long day, a very productive day. We have handled many amendments. We have handled at least 4 major controversial amendments today. We will be busy all day tomorrow and into the evening, but I think we can get through tomorrow night.

ACCESS TO MEDICAL CARE AT REMOTE BASES

Mr. BINGAMAN. Mr. President, I rise to engage my colleague Senator SHELBY, the chairman of the Armed Services Subcommittee on Force Requirements and Personnel, in a colloquy regarding access to medical care at remote military bases. During markup of the bill before us, Senator SHELBY and I discussed the problem of inadequate access to medical care for many of those in the military services. In response to this problem, which many of us have been made aware of this year, Senator SHELBY included language in the bill before us requiring the Secretary of Defense to certify the adequacy of all future submissions of the Defense health program budget. This was done in response to persistent underfunding of these accounts by the Department of Defense, which has resulted in the disruption or termination of certain services, and inconsistencies in the delivery of services both geographically and among the military services.

Mr. President, I strongly support that provision. I believe that we need to make every effort to ensure that DOD health program beneficiaries have access to normal medical services. Unfortunately, in many instances this is not the case. This is especially true of remote military bases with little access to civilian medical care. Holloman Air Force Base in New Mexico is a case in point, and I would inquire of my colleague Senator SHELBY if the provision we included is intended to address the medical care issues facing remote bases such as Holloman.

Mr. SHELBY. Mr. President, the Senator is correct that the provision we approved in the Force Requirements and Personnel Subcommittee is intended to improve access to medical care in those places where access may have fallen short. I understand the situation Senator BINGAMAN is describing. In fact, I have similar situations in my State. I believe that the actions we have taken will address these problems, and I look forward to continuing to work with Senator BINGAMAN on this issue in the years to come.

Mr. BINGAMAN. I thank my colleague for those remarks. I also believe that the provision we included in the committee markup will address these problems, and I would like to commend Senator SHELBY for his leadership in this area. I would add that it is my belief that the Department of Defense

needs to take into account the location of military bases in budgeting for health care within the Department. Servicemembers and their families at these bases do not have access to the types of civilian health care facilities that others may have access to in larger cities. I feel that a special effort should be made to ensure that every beneficiary has access to normal medical services.

Mr. SHELBY. I agree that every beneficiary of these services deserves access to normal medical services, and I will work with my colleague from New Mexico to ensure that access.

Mr. BINGAMAN. I thank the Senator. I yield the floor.

MC CAIN AMENDMENT NO. 779

Mr. GORTON. Mr. President, since Estonia first won its independence in 1920, it has enjoyed 22 years of freedom—the first twenty coming between the two world wars and the last two having come recently, since the fall of the Soviet Union. In between, Estonia was absorbed by Russia, invaded by Germany, then retaken by the Soviet Union.

Of all the casualties of Soviet expansion, Estonia was one of the most painful. That country—with its agriculture, timber and oil shale resources—almost certainly would have used its 45 years of subjugation, if free, to its advantage, forging an economy more similar to its Scandinavian and European neighbors than to the Soviet Union. The extent of that development can only be guessed now that we see Estonia's accomplishments over the past two years: roughly 3.5% unemployment, 1.7% inflation, and a stronger and more stable currency than any other in either the former Soviet Union or Scandinavia.

It is understandable then that Estonia is intent on establishing its independence from Russia, including the creation of its own defense force. On February 1, Estonian President Meri wrote President Clinton to ask that he authorize a retired Army Colonel, Aleksandr Einseln, to assume the position of commander of these defense forces. The Estonian President's intentions were pure; Colonel Einseln was chosen because he could safely streamline and retrain Estonia's small defense forces. Early this Summer the Department of State denied Mr. Einseln authorization for the move, concerned that the presence of a retired military officer in Estonia could heighten tensions with Russia. When Col. Einseln assumed the position without the Department of State's authorization, the Department of Defense was then compelled by law to revoke Col. Einseln's pension, and reconsider the status of his citizenship.

Mr. President, I consider these measures, particularly the Department of State's opposition to Col. Einseln's move, unjust. The State Department's greatest concern for Col. Einseln's new position—that the Russian Government would object to an American in his position—has not materialized. And, when one considers that Col. Einseln now commands a force of 2,000 soldiers, two planes, and three small ships, it is highly unlikely that it will materialize. In my opinion, Col. Einseln is more likely to stabilize the area by providing responsible training, based on respect for the rule of law and human rights.

Today, however, I am more concerned with reinstating Col. Einseln's pension—an entitlement that should not be jeopardized by the State Department's refusal to authorize his move. Col. Einseln has served two tours in Vietnam, another in Korea, and earned three dozen medals, including two Bronze stars and the Legion of Merit. That service warranted a full pension. Any recent disagreement with the Department of States does not negate that service, and should not disqualify him for those benefits.

Mr. President, I am pleased to be a cosponsor of an amendment that Senator McCain successfully offered to the Defense Authorization bill yesterday. That amendment will allow retired U.S. members of the military to serve democratic countries, and, in the process, return Col. Einseln's pension in full. It is clear that the concerns that prevented the authorization of his command were not necessary, and that the Defense Department's requirements to revoke his pension was, in this case, unfair. With this amendment Col. Einseln will be allowed to continue his service with the Estonian defense forces without risk to his pension for citizenship. I am confident that that service will contribute to the further growth of this newly independent country.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the previous unanimous consent agreement covering S. 1298 be modified to stipulate that the amendments listed as remaining in order to the bill be considered first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

TRIBUTE TO NATHANIEL HANSFORD

Mr. HEFLIN. Mr. President, I want to take a moment to recognize a good friend and outstanding legal scholar, Vernon Nathaniel Hansford, who recently announced his intention to retire as Dean of the University of Alabama Law School. Nat, as his friends call him, served in a number of administrative positions at the law school over the last ten years. His resignation was effective September 7.

Dean Hansford has provided outstanding leadership for Alabama's Law School since arriving there almost 20 years ago as a professor. He did an excellent job of promoting progress at the school and university, and in improving the quality of legal education. The law school has gained a regional and national reputation, and several publications list it in their rankings of the top law schools in the Nation. Applications have increased significantly under his tenure as dean, and the school attracts some of the best and brightest students from all over the country.

A Phi Beta Kappa graduate of the University of Georgia, Nat also earned his law degree from Georgia. He later took his LL.M degree from the University of Michigan. After law school, he clerked for the Honorable Lewis R. Morgan, United States Court of Appeals for the Fifth Circuit. In 1970, he was commissioned a Captain in the Judge Advocate General's Corps and spent 3 years in the Army including 1 year in Korea. He remains a member of the United States Army Reserves and holds the rank of colonel.

Between 1973 and 1975, Nat practiced with the firm of Mitchell, Mitchell, Coppedge & Boyett in Dalton, GA. He joined the faculty of the University of Alabama Law School in 1975. From 1982 to 1985, he served as Associate Dean, and in June 1987 was appointed Dean.

In 1982, he was selected by the National Alumni Association of the university as the recipient of its Outstanding Commitment to Teaching Award, one of the highest honors bestowed upon faculty members at Alabama. Five years later, Nat was selected by the Law School Student Bar Association to receive the Outstanding Faculty Member Award. Clearly, he is a law professor of the highest caliber, and the school administration's loss will definitely be his students gain when he returns to the classroom.

Nat is the author of three books, Alabama Equity, UCC Transactions Guide, and Sales, Leases & Bulk Transfers, as well as numerous law review articles. He serves as a member of the Board of Directors of Synovus Financial Corporation of Columbus, Georgia, a bank holding company in Georgia, Florida, and Alabama. He is also a member of the Alabama, Georgia, and American Bar Associations.

Nathaniel Hansford has served the University of Alabama Law School well over the last two decades, and has been an outstanding dean during the last six. He is a true friend to faculty members and students alike, and his tenure as dean provides a new standard by which his successors will be measured. I congratulate him and wish him many productive years on the faculty of the Law School as he leaves the Dean's Office and returns to teaching the young attorneys of tomorrow.

TRIBUTE TO CHARLES B. ARENDALL, JR.

Mr. HEFLIN. Mr. President, I want to pay tribute to Charles Baker Arendall, Jr., of Mobile, Alabama, who recently passed away. At the time of his death, he was the senior partner in the law firm of Hand, Arendall, Bedsole, Greaves, and Johnson, one of the largest in Alabama. He was the driving force behind the growth of this outstanding firm. He once told me his goal in life was to build a truly outstanding law firm in Mobile. He certainly achieved his goal.

A native of Portsmouth, Virginia, Charles had been a resident of Mobile since 1921. His father was Dr. C.B. Arendall, who had served as the pastor of Dauphin Way Baptist Church for many years. Charlie graduated from the University of Richmond and Harvard Law School, where he was a cum laude graduate. He later served as a national vice president of the Harvard Law School Association and president of its Alabama chapter. He was also elected to the Samford University board of trustees in 1947 and served on the advisory board of Samford's Cumberland Law School.

Prior to joining the law firm that became known as Hand, Arendall, Bedsole, Greaves, and Johnson, Charlie was an associate with the firm of Smith and Johnston for 3 years. He was a member of the Mobile Bar Association, serving as its president in 1976, the New York Bar Association, the Alabama State Bar Association, and the American Bar Association. He was also a member of several fraternal organizations, including Kappa Sigma, Pi Delta Epsilon, and Alpha Psi Omega. His trial advocacy ability was recognized by his selection to the fellowship of the American College of Trial Lawyers.

Charles was indeed a pillar within the legal profession, to which he contributed so much over the last several decades. He was also a pillar within his community, commanding tremendous stature and respect. He was a deacon and Sunday School teacher of his Baptist Church and served as chairman of the Red Cross Fund Campaign for Mobile County. He was a founding member of Mobile College's Board of Trustees.

He was also the consummate family man, always making his wife and children his top priority, regardless of how busy his schedule became. He leaves behind four daughters and nine grandchildren.

Charles Arendall led a life focused on excellence, a commitment that carried through to every organization and task with which he chose to involve himself, and there were many. He was a giant in both his profession and his community and will be sorely missed by the many who had the honor and pleasure of knowing him over the years. I join his many friends and associates in extending my deepest condolences to his family.

IRRESPONSIBLE CONGRESS HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,391,317,318,053.12 as of the close of business on Wednesday, September 8. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,096.22.

THE TRAGEDY OF CONTINUING ANTI-ABORTION VIOLENCE

Mr. KENNEDY. Mr. President, this summer, a new wave of anti-abortion violence and blockades has demonstrated that enactment of the Freedom of Access to Clinic Entrances Act, S. 636, is more urgent than ever.

On August 19, in an incident all too reminiscent of the killing of Dr. David Gunn in Pensacola, FL last March, Dr. George Tiller in Wichita, KS was shot in both arms outside a clinic where he performs abortions. His assailant was an individual who had been arrested in 1989 for blocking access to a clinic in Portland, OR, and who has two outstanding warrants against her for trespassing at clinics in San Francisco and Milwaukee.

Earlier in August, a clergyman in Alabama tried to place an advertisement in the Mobile Press Register advocating the murder of doctors. The ad depicted a man about to shoot an abortion provider. Its caption read: "Justifiable Homicide?" Not long after, a doctor who owned two abortion clinics in Mobile was murdered, although at this time his death has not been linked to his medical practice.

Incitements to violence against abortion providers are on the rise. Some anti-abortion literature calls Dr. Gunn's alleged murderer a hero. An anti-abortion group in Florida has called the shooting of Dr. Tiller "honorable." Bumper stickers urge, "Execute Murderers/Abortionists."

In July, a coordinated campaign of demonstrations was waged against clinics in seven cities across the country. While that effort did not produce the turnout anticipated by its organizers, it did result in serious disruptions at several clinics, including facilities in San Jose, CA and the Philadelphia area, where access was successfully blocked by several hundred demonstrators. Clearly, these high-profile campaigns tend to inflame some extremists to resort to the outright violence and calls for further violence that we have witnessed this summer.

It is not enough for Congress simply to condemn this reprehensible conduct. Legislation must be enacted before another doctor dies, or another clinic is blockaded or burned to the ground.

The Freedom of Access to Clinic Entrances Act will protect health care providers and patients from violent attacks, blockades, threats of force, and destruction of property intended to interfere with the exercise of the constitutional right to terminate a pregnancy. S. 636 will establish new Federal criminal offenses for this conduct, as well as a civil cause of action for injured parties. It will send an unmistakable message that violent conduct will not be tolerated.

Those who express their opposition to abortion through peaceful picketing and other activities protected by the First Amendment have nothing to fear from this legislation. The bill is carefully limited to address violent, threatening, obstructive or destructive conduct. It does not cover speech or expressive activities protected by the Constitution.

S. 636 is a top priority of all of the leading women's rights groups. It is also supported by law enforcement officials, the medical profession, Constitutional scholars and civil liberties organizations. The Clinton administration endorses it. Attorney General Reno has urged the Senate to act quickly.

The bill was reported favorably by the Committee on Labor and Human Resources last July with strong bipartisan support from Senators who consider themselves pro-choice as well as others who consider themselves pro-life. It deserves broad support, and I look forward to swift action by the Senate, so that we can end this unacceptable reign of terror.

JIM KIELSMEIER AND NATIONAL AND COMMUNITY SERVICE

Mr. DURENBERGER. Mr. President, as the Senate took final action yesterday on the National and Community Service Trust Act, I noted the strong leadership that has been given this initiative by my home state of Minnesota.

No one individual has contributed more to that leadership than has Jim Kielsmeier, the founder and president of the National Youth Leadership Council.

Jim's vision of making community service an integral part of teaching and learning helping found the Council a decade ago.

And, earlier this year, the Council—again under Jim's able leadership—received the first Federal grant to establish a national clearinghouse on service learning. The clearinghouse is headquartered at the University of Minnesota.

Jim Kielsmeier's vision of national and community service also stresses the need to reconnect young people in America with their communities.

And, the legislation we have now passed will open that opportunity to millions of American young people—through both stipended service programs and non-stipended service learning.

Fortunately, Jim Kielsmeier has never been satisfied to sit back and rest on his past success.

And, that insistence on always pushing out the frontiers of linking young people and their communities through service is at the heart of Jim's latest new venture—a new venture that he's personally now launching in far away East Africa.

That venture has taken Jim, his wife Deb, and two young children to Nairobi, Kenya, for the next 12 months.

While he's there, Jim has taken on the enormous challenge of using a new Somali National Youth Service Corps to help connect young people in Somalia to their war-torn communities.

Jim will begin that incredibly difficult task from Kenya where he will meet Somali refugees who may become a part of this new corps. He will also be contacting agencies and funding sources who are interested in supporting a pilot national service corps.

Jim plans a fall trip into Somalia to meet with elders in the Somali village of Bule Burti. He has a Somalia partner in this venture from that village who will helpfully carry on Jim's vision long after he leaves to return to America.

Organizing youth and community service activity in this country is difficult enough. And, Jim has demonstrated time and time again over the years that he is clearly capably of meeting that challenge.

But, imagine the difficulty of organizing young people positively around service opportunities in their communities in the middle of a chaotic civil war.

And, also, imagine the potential of positively linking young people to their country and their communities when the only opportunities to make that link in the past have been through fighting and killing, and destruction of those very same communities.

While in Kenya, Jim's wife Deb will also be working with Young Life International—a non-denominational ministry that reaches out to adolescents by building bridges through which God can minister.

What a commitment for this young family to be making.

But, what a tremendous opportunity to demonstrate the power that young individuals can have in dealing with some of the most pressing needs and devastated communities on earth.

I believe those challenges can be met—in Kenya, in Somalia, and in the cities and rural communities of this nation as well.

Under the legislation we adopted yesterday, we have made a commitment to begin that job here in America.

But, whether we succeed won't depend on national government programs or even on Federal funds.

National and community service will meet its goals because of the leadership and vision of people like Jim Kielsmeier.

All of us owe him an enormous debt of gratitude for what he has already done in Minnesota and all over America.

And, I personally wish Jim—and his wife Deb and children Sarah and Stina—Godspeed on this newest venture they are now launching—a venture from which we all pray they will safely return.

Thank you, Mr. President. I yield the floor.

THE SITUATION IN SOMALIA

Mr. MACK. Mr. President, the situation in Somalia has become intolerable. When President Bush first sent troops there, they went for humanitarian reasons—to end the starvation which was devastating the country. I supported that mission, but as far as I can tell, that work is done.

But now we have a new President, and the mission has evolved into something much more nebulous. We find ourselves in the middle of a civil war, and some of our troops are not even under the direct control of American commanders.

The truth is, we have no clearly defined objectives for our forces in Somalia. Since the administration cannot satisfactorily explain those objectives, our troops should come home.

We are now in a no-win situation: just this afternoon, our forces killed scores of Somalis, including women and children, while trying to defend themselves from attack. The American military should not be hunting for warlords in the Somalian countryside, much like the Peruvian army searching in vain for Butch Cassidy and the Sundance Kid.

The proposal before us simply does not go far enough, and therefore I am compelled to vote against it. I can no longer, in good conscience, stand by while further lives are lost under these conditions.

It is time to bring our troops home.

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to section 203(b)(1)(G) of Public Law 102-166, the majority leader and the minority leader appoint Mrs. ROUKEMA, on the part of the House, to serve as a member of the Glass Ceiling Commission; vice Ms. MOLINARI, resigned.

ENROLLED BILL SIGNED

At 6:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

H.R. 2010. An Act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

At 7:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the following joint resolution, without amendment:

S.J. Res. 126. Joint Resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HOYER, Mr. VISCLOSKY, Mr. DARDEN, Mr. OLVER, Mr. BEVILL, Mr. SABO, Mr. NATCHER, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, and Mr. MCDADE as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1399. A communication from the President of the United States, transmitting, notice relative to the fiscal year 1994 appropriations request for the Department of Energy; to the Committee on Appropriations.

EC-1400. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the sequestration update report for fiscal year 1994; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC-1401. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; referred jointly, pursuant to the order of January 20, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC-1402. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report for fiscal year 1992; referred jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-1403. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, a report of the mid-session review of the 1994 Budget; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC-1404. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 2491. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 1444. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1445. A bill to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under laws administered by the Department of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. WOFFORD:

S. 1446. A bill to help schools achieve the sixth goal of the National Education Goals, which provides that by the 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by supporting school and communitywide efforts to make schools and neighborhoods safe and drug free; to the Committee on Labor and Human Resources.

By Mr. KEMPTHORNE:

S.J. Res. 130. A joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1444. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

AMERICAN COMMON MARKET ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today to introduce a bill that would bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development by establishing a common market for the Americas.

The first common market in the Americas was founded more than 200 years ago when the citizens of the 13 colonies pledged their lives, their blood and their sacred honor to form a union of liberty and democracy. The wealth our country has experienced throughout its history springs directly from those values and that commitment.

The Europeans got the picture. Rising from the ashes of World War II, the nations of Europe banded together to build a common market grounded in social and economic justice—free markets, free press, free association, and free elections—and buttressed by democratic institutions.

The accession treaty to the European Community declares that "principles of pluralistic democracy and respect for human rights form part of a common heritage of the peoples of the states brought together in the European Communities and constitute therefore essential elements of membership."

Mr. President, in the North American Free-Trade Agreement the word "democracy" does not appear. Yet the agreement attempts to integrate two developed, democratic, capitalist countries with a country that has been called the perfect dictatorship—without an attempt to address the fundamental differences between the nations. The disparity in wages between the United States and Mexico is indicative of the larger schism which will tear our economy apart unless we learn this lesson: the benefits of free markets cannot be enjoyed unless there are democratic institutions to protect the rights of its citizens.

Instead of pursuing the narrow economic agenda of the previous administration, we should offer a new vision for the Americas, one that will fulfill the legacy left by President Kennedy, who 30 years ago recognized that social change must accompany economic change. In his words,

> No program which is restricted to the technicalities of economic development can fully answer the needs of the Americas. Only an approach to economic progress and social justice which is based on wide acceptance of the fundamental ideals of political democracy and human dignity can conquer the many ills of our hemisphere and respond fully to the aspirations of our people.

Mr. President, the common market for the Americas enshrines the features necessary for the development of democracy and free markets—features that are absent from NAFTA:

First, admission to the common market for the Americas will require each country to commit to basic tennets of representative democracy.

Second, common market countries will agree to a social charter that will protect worker rights and guarantee the right to form independent labor unions.

Third, unlike NAFTA, which simply provides unlimited access to the U.S. market, the common market would be focused outward and would encourage exports from the Americas to other hemispheres.

Fourth, to prevent the nations of the common market from engaging in competitive devaluations, the market would create a mechanism to align exchange rates.

Fifth, the common market would also establish a common policy on competition so that large industrial conglomerates who operate free of the constraints of antitrust laws do not capture markets by engaging in predatory practices.

Mr. President, after decades of neglect it is time once again that we offer our neighbors to the south a proposal that puts people first by finally putting democracy first. Gone are the days of the cold war that forced us to embrace totalitarian regimes who shared our anti-Communist policies. As nations around the world are throwing off the mantle of oppression, it is time we stand with the forces of change and democracy rather than with the forces of status quo and oligarchy.

By Mr. ROCKEFELLER (by request):

S. 1445. A bill to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

VETERANS' APPEALS IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as Chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1445, the proposed Veterans' Appeals Improvement Act of 1993, a bill to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under laws administered by the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 13, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs

Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosed analysis of the draft legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Appeals Improvement Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. COMPOSITION OF THE BOARD OF VETERANS' APPEALS.

(a) BOARD MEMBERS AND PERSONNEL.—Section 7101(a) is amended to read as follows:

"(a)(1) There is in the Department a Board of Veterans' Appeals (hereafter in this chapter referred to as the 'Board'). The Board is under the administrative control and supervision of a Chairman directly responsible to the Secretary.

"(2) The members of the Board shall be the Chairman, a Vice Chairman, such number of Deputy Vice Chairmen as the Chairman may designate under subsection (b)(4), and such number of other members as may be found necessary to conduct hearings and consider and dispose of matters properly before the Board in a timely manner. The Board shall have such other professional, administrative, clerical, and stenographic personnel as are necessary to conduct hearings and consider and dispose of matters properly before the Board in a timely manner.".

(b) APPOINTMENT AND REMOVAL OF BOARD MEMBERS.—Section 7101(b) is amended—

(1) in paragraph (2)(A), by striking "other members of the Board (including the Vice Chairman)" and inserting in lieu thereof "Board members other than the Chairman";

(2) in paragraph (2)(B), by striking "paragraph" and inserting in lieu thereof "subparagraph"; and

(3) by striking out paragraph (4) and inserting in lieu thereof the following new paragraph (4):

"(4) The Secretary shall designate one Board member as Vice Chairman based upon recommendations of the Chairman. The Chairman may designate one or more Board members as Deputy Vice Chairmen. The Vice Chairman and any Deputy Vice Chairman shall perform such functions as the Chairman may specify. The Vice Chairman shall serve as Vice Chairman at the pleasure of the Secretary. Any Deputy Vice Chairman shall serve as Deputy Vice Chairman at the pleasure of the Chairman.".

(c) ACTING BOARD MEMBERS.—Section 7101(c) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) The Chairman may from time to time designate one or more employees of the Department to serve as acting Board members.";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated—

(A) by striking out "temporary Board members designated under this subsection and the number of"; and

(B) by striking out "section 7102(a)(2)(A)(ii) of this title" and inserting in lieu thereof "paragraph (1) of this section".

(d) CHAIRMAN'S ANNUAL REPORT.—Section 7101(d)(2) is amended—

(1) in subparagraph (D), by striking out "year; and" and inserting in lieu thereof "year;";

(2) in subparagraph (E), by striking out "year." and inserting in lieu thereof "year; and"; and

(3) by adding at the end the following:

"(F) the names of those employees of the Department designated under subsection (c)(1) to serve as acting Board members during that year and the number of cases each such acting Board member participated in during that year.".

(e) CONFORMING AMENDMENTS.—(1) Section 7101(d)(3)(B) is amended by striking out "section 7103(d)" and inserting in lieu thereof "section 7101(b)".

(2) Section 7101(e) is amended in the first sentence by striking out "a temporary or" and inserting in lieu thereof "an".

SEC. 3. ASSIGNMENT OF MATTERS BEFORE THE BOARD.

Section 7102 is amended to read as follows:

"§ 7102. Assignment of matters before the Board

"The Chairman may determine any matter before the Board, or rule on any motion in connection therewith, or may assign any such matter or motion to any other Board member or a panel of members for determination. Any such assignment by the Chairman may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.".

SEC. 4. DETERMINATIONS BY THE BOARD.

(a) IN GENERAL.—Section 7103(a) is amended to read as follows:

"(a) When the Chairman retains a matter or submits it to another Board member or a panel of members for determination in accordance with section 7102 of this title, or to an expanded panel of Board members in accordance with subsection (b) of this section, the Chairman, other member, or panel of members may:

"(1) Issue an order dismissing any appeal, in whole or in part, which fails to allege specific error of fact or law in the determination being appealed or in which the determination being appealed has become moot. Each order of dismissal shall include a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, in support of the dismissal.

"(2) Issue an order remanding the case, in whole or in part, to the agency of original jurisdiction for such additional development as the Chairman, other member, or panel of members may consider necessary for proper disposition of the case.

"(3) Render a written decision with respect to any issues not dismissed or remanded, which decision shall constitute the Board's final disposition of the issues so decided. Such decisions shall be based on the entire record in the proceeding, upon consideration of all evidence and material of record, and upon applicable provisions of law and regulation. The Board shall be bound in its decisions, including allowances made under the provisions of subsection (d) of this section, by the regulations of the Department, the instructions of the Secretary, and the precedent opinions of the chief legal officer of the Department. Each decision of a Board member or a panel of members shall include—

"(A) a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record; and

"(B) an order granting appropriate relief or denying relief.

Decisions by a panel of Board members, except as otherwise provided in subsection (b), shall be made by a majority of the members of the panel.".

(b) RECONSIDERATION.—Section 7103(b) is amended to read as follows:

"(b) The decision of a Board member or a panel of members is final, unless the Chairman orders reconsideration of the case, and a claim disallowed by the Board may not thereafter be reopened or allowed except as provided in section 5108 of this title and subsection (d) of this section. If the Chairman orders reconsideration in a case, the case shall be considered upon reconsideration by a panel of members other than the Chairman if one member originally decided the case or by an expanded panel of members other than the Chairman if a panel originally decided the case. When a panel considers a case after a motion for reconsideration has been granted, the decision of a majority of the panel members shall constitute the final decision of the Board, except as provided in subsection (d). If the expanded panel cannot reach a majority decision, the Chairman may either assign additional members other than the Chairman to the panel or vote with the members of the expanded panel so as to create a majority decision. Either the expanded panel majority or the majority made with the vote of the Chairman shall constitute the final decision of the Board, except as provided in subsection (d).".

(c) ADMINISTRATIVE ALLOWANCE; NOTICE OF DETERMINATION.—Section 7103 is amended by adding at the end the following:

"(d) Whenever a Board member other than the Chairman or Vice Chairman is of the opinion that a prior, otherwise final denial of a claim should be revised or amended to allow the claim in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, the Board member shall recommend such allowance to the Chairman or Vice Chairman. The Chairman or Vice Chairman, whether upon the recommendation of any other Board member or upon the Chairman's or Vice Chairman's own motion, if of the opinion that a prior, otherwise final denial of a claim should be revised or amended to allow the claim in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, shall approve the award of any benefit, or any increase therein, on the basis of such difference of opinion. The discretionary exercise of the authority provided to the Chairman and Vice Chairman under this subsection shall not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

"(e) After reaching a determination under any of the provisions of this section, the Board shall promptly mail a copy of its written decision to the appellant and the appellant's authorized representative (if any) at

the last known address of the appellant and at the last known address of such representative (if any), respectively.".

SEC. 5. JURISDICTION OF THE BOARD.

Section 7104 is amended—

(1) by striking out "(a)";

(2) by striking out "211(a)" and inserting in lieu thereof "511(a)"; and

(3) by striking out all after "made by the Board.".

SEC. 6. APPELLATE PROCEDURE.

Section 7105(d) is amended by striking out paragraph (5).

SEC. 7. MEDICAL OPINIONS.

Section 7109 is amended to read as follows:

"§ 7109. Medical opinions

"(a) A Board member or a panel of members before whom a matter which involves a medical question is pending may, in the discretion of the member or panel, request an opinion on that medical question from—

"(1) an employee of the Board who is licensed to practice medicine in any State;

"(2) an employee of the Veterans Health Administration who is licensed to practice medicine in any State and who has been designated by the Under Secretary for Health to provide such an opinion; or

"(3) an employee of any Federal department or agency who is licensed to practice medicine in any State and who has been designated, in accordance with arrangements made by the Secretary with the head of any such Federal department or agency, to provide such an opinion.

"(b) When, in the judgment of a Board member or a panel of members assigned a matter for determination in accordance with section 7102 of this title, the medical complexity or controversy involved in that matter warrants expert medical opinion in addition to, or in lieu of, that available within the Department or within another Federal department or agency, the Board may secure an advisory medical opinion from one or more independent medical experts who are not employees of the Department or of another Federal department or agency. The Secretary shall make necessary arrangements with recognized medical schools, universities, or clinics to furnish such advisory medical opinions at the request of the Chairman. Any such arrangement shall provide that the actual selection of the expert or experts to give the advisory opinion in an individual case shall be made by an appropriate official of such institution. For purposes of this section, an employee of a medical school, university, or clinic shall not be considered an employee of the Department or another Federal department or agency just because the medical school, university, or clinic receives grants from, or provides contract services to, the Department or another Federal department or agency.

"(c) Any opinion provided under this section shall be in writing and made a part of the record. The Board shall notify a claimant that an advisory medical opinion has been requested under this section with respect to the claimant's case and shall mail to the claimant and the claimant's authorized representative (if any) at the last known address of the claimant and at the last known address of such representative (if any) a copy of such opinion when the Board receives it. An opportunity for response by or on behalf of the claimant shall be provided following the mailing of the copy (or copies) of such advisory medical opinion.".

SEC. 8. HEARINGS.

Section 7110 is amended to read as follows:

"§ 7110. Hearings

"(a) The Board shall decide any appeal only after affording the appellant an opportunity for a hearing.

"(b) A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by the Chairman to conduct the hearing will participate in making the final determination in the claim.

"(c) An appellant may request a hearing before the Board at either its principal location or a regional office of the Department. Any hearing held at a regional office of the Department shall be scheduled for hearing in the order in which the requests for hearing in that area are received by the Department at the place specified by the Department for the filing of requests for such hearings.

"(d) At the request of the Chairman, the Secretary may provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at a facility within the area served by a regional office to participate, through voice transmission, or picture and voice transmission, by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location. When such facilities and equipment are available, the Chairman may, at his or her discretion, afford the appellant an opportunity to participate in a hearing before the Board through the use of such facilities and equipment in lieu of a hearing held by personally appearing before a Board member or members as provided in subsection (c).".

SEC. 9. TABLE OF CONTENTS.

The table of contents at the beginning of chapter 71 is amended by—

(1) striking "7102. Assignment of members of Board." and inserting in lieu thereof "7102. Assignment of appellate matters.";

(2) striking "7109. Independent medical opinions." and inserting in lieu thereof "7109. Medical opinions."; and

(3) striking "7110. Traveling sections." and inserting in lieu thereof "7110. Hearings.".

SEC. 10. EFFECTIVE DATES OF AWARDS BASED ON DIFFERENCE OF OPINION.

Section 5110 is amended by adding at the end the following new subsection:

"(o) The effective date of the award of any benefit, or any increase therein, pursuant to section 7103(d) of this title on the basis of a difference of opinion shall be—

"(1) if the award resulted from review initiated by an application to reopen the claim for the benefit in question under the provisions of section 5108 of this title, fixed in accordance with the facts found but shall not be earlier than the date the Department of Veterans Affairs received such application; or

"(2) if the award resulted from review of the final determination undertaken by the Department of Veterans Affairs solely on its own initiative, the date the Chairman or Vice Chairman of the Board of Veterans' Appeals approved the award.".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, August 13, 1993.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, entitled the "Veterans' Appeals Improvement Act of 1993," to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under the laws administered by the Department of Veterans Affairs (VA or Department). I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

The improvements proposed in this bill are urgently needed to reverse the trends of decreasing productivity and increasing response time of the Board of Veterans' Appeals (BVA or Board). The growing demand for personal hearings, changes made by the Veterans' Judicial Review Act of 1988, and the evolving body of case law generated by the United States Court of Veterans Appeals (CVA or Court) have all contributed to the increased delays appellants are experiencing. The number of BVA decisions issued declined from 45,308 in FY 1991 to 33,483 in FY 1992, and is projected to drop further to 27,600 in FY 1993. (The number of appeals received by the BVA has also decreased, but only from 43,903 in FY 1991 to 38,229 in FY 1992, and is expected to rise to 39,000 in FY 1993.) More dramatic has been the increase in response time, the projected number of days it would take the BVA to decide all currently pending appeals, based on the average number of decisions rendered per day over the preceding year. Response time increased from 139 days in FY 1991 to 240 days in FY 1992, and is expected to soar to 441 days in FY 1993. Current BVA procedures must be revised to permit the Board to improve its productivity and timeliness. It is estimated that allowing individual Board members to sign decisions (as proposed in the bill), alone, would raise the number of decisions issued in FY 1994 from 29,185 to 36,550, an increase of 25.2 percent.

This bill would authorize several changes in the procedures used by the BVA to adjudicate appeals from denials of veterans' benefits within VA. The changes would include allowing individual BVA members, instead of sections of three members, to rule on matters before the BVA; allowing the BVA Chairman or Vice Chairman to administratively allow, on the basis of difference of opinion, previously denied claims; and allowing the BVA to use modern telecommunications technology to hold hearings with the BVA member ormembers presiding in Washington, D.C., and the claimant appearing at a remote location. The draft bill would also clarify the BVA's authority to obtain and employ medical opinions from its own staff physicians, other VA physicians, and those of other Federal departments or agencies. The enclosed section-by-section analysis describes in more detail all the changes the draft bill would make. Most of these would give the Board more flexibility to meet its increasing work load and to improve the quality and timeliness of its decisions.

Probably the single most important change this proposed bill would make in current law is that in Section 3, to authorize the BVA Chairman to determine any matter before the BVA, or rule on any motion in connection therewith, or to assign any such matter or motion to any other BVA member or panel or members for determination. Current section 7102 of title 38 allows the Chairman to divide the BVA into sections of three members, to assign members to the sections, and to designate the chiefs of the sections, and requires that a BVA section make determinations in any proceeding instituted before the BVA and on any motion in connection therewith, assigned to the section by the Chairman. The proposed change would allow the BVA to use its resources more efficiently in two ways. First, it would permit individual BVA members to decide appeals and rule on motions and fee agreements. Instead of three BVA members reviewing the

same case, each member could review and decide a different case. With review of BVA decisions by the CVA now available, having three BVA members review a case is not so critical to an assurance of good, fair decisions as it once was. Second, it would permit the Chairman to rule on procedural motions and other matters not requiring extensive familiarity with all the evidence in a case, thereby freeing the other members to review and decide cases on the merits.

The proposed bill would give the BVA the flexibility to use its resources more effectively in other ways. In addition to allowing individual-member decisions and a streamlined motion-ruling procedure, the proposed bill, at Section 2(a), would remove the 67-member limit on the BVA now in section 7101(a) of title 38. Removing the limit would give the Department more flexibility in meeting the BVA's increasing work load and complying with the Congressional mandate in current section 7101(a) of title 38 "to conduct hearings and consider and dispose of appeals . . . in a timely manner." In addition to increasing the number of matters pending before the BVA, judicial review has presented the challenge of an ever-evolving body of case law to be applied in the course of BVA's deliberations. Because decisional quality remains our top priority, Section 2(a) would also statutorily recognize the position of Deputy Vice Chairman, which was administratively created in 1980 to help control the quality of BVA decisions. No significant cost or saving is currently anticipated in connection with these changes.

Our bill would also authorize the BVA Chairman or Vice Chairman, either upon the recommendation of another BVA member or upon his or her own motion, to allow, on the basis of difference of opinion, a claim previously denied and otherwise final. The purpose of this provision is to allow the Chairman and Vice Chairman to temper harsh results in reviewing legally correct, albeit "close," prior decisions. It would re-establish an authority previously exercised by the BVA Chairman and Vice Chairman under regulation, which the VA General Counsel determined was inconsistent with current law. Although not directly affecting the timeliness or quality of BVA decisions, this provision of the bill would result in more allowed claims. Another provision of the draft bill, Section 10, would establish the traditional regulatory effective dates for awards administratively allowed, generally the date of application to reopen the claim, but for cases in which VA undertook review solely on its own initiative, the date the claim was administratively allowed (since no application to reopen the claim would have been received). Estimating 50 additional allowances under the provision for administrative allowance each year, based on 65 administrative allowances during FY 1989, the last full year the old procedure was in effect (the total number of cases the BVA decides in a year is now lower), the costs would be:

Fiscal year:

	Costs:
1994	$250,433
1995	259,449
1996	269,049
1997	278,734
1998	288,769
Total	1,346,434

The number of requests for hearings before the BVA, especially in the field, has increased since passage of the Veterans' Judicial Review Act of 1988. In FY 1991, the BVA held 1,108 hearings in Washington, D.C., and 880 hearings in VA regional offices; in FY 1992, the BVA held 1,394 hearings in Washington and 1,258 in regional offices. Section 8 of the draft bill, besides bringing together in one section hearing provisions currently in various sections of title 38, would authorize the BVA Chairman, when suitable facilities and equipment are available, to offer an appellant the opportunity to appear at a remote facility and participate, through voice or picture-and-voice transmission by electronic or other means, in a hearing with the BVA member or members sitting in Washington, D.C. The authorityto hold telecommunicated hearings would provide an alternative to sending a BVA member to a field facility when such a trip would not be cost-effective or time-effective. Section 8 also allows VA to specify where field hearing requests must be filed, which would help the BVA to better maintain a docket that satisfies the provision of current section 7110 that hearings be scheduled in the order the requests were received.

Section 7 of the draft bill would make explicit the authority of the BVA to obtain medical opinions from its own staff physician-advisers, from physicians of the Veterans Health Administration within VA, or from physicians of other Federal departments or agencies. This would be in addition to its current authority, in section 7109 of title 38, to obtain advisory medical opinions from independent medical experts not employed by VA.

These changes would help the BVA to meet one of the evidentiary requirements articulated by the CVA, to consider only independent medical evidence to support its findings and not to rely on the unsubstantiated opinion of its own deciding members. *Colvin v. Derwinski*, 1 Vet. App. 171 (1991). An increased demand for medical opinions is expected because of this CVA-imposed requirement. Using in-house BVA staff physicians as medical experts would save time, and the BVA would also be able to take advantage of nationally recognized expertise within VA and other Federal departments or agencies as needed. To satisfy due-process concerns, the proposal would require that medical options be in writing and that the appellant have an opportunity to respond. No additional VA staff are required, and no cost or saving is anticipated from these changes.

Section 2(c) of the proposed bill would repeal the Chairman's authority, in current section 7101(c)(1) of title 38, to designate temporary BVA members and would remove the limits, in current sections 7102(a)(2)(A)(ii) and 7102(a)(2)(B), on the length of time an acting member may serve. Section 2(d) would require the BVA Chairman to report each year who served as acting Board members during the preceding fiscal year and how many cases they participated in. No chairman has ever used the authority to designate a temporary member. Removing limits on how long an acting member may serve is important to keeping the same member associated with a case until final disposition. The BVA has had acting members hold a hearing, request a medical opinion, or otherwise participate in the evidentiary development of a case only to have their period as acting members expire by the time a decision was ready to be made. Also, the administrative burden of staying within the 90 and 270-day limits is considerable. The proposed change would allow acting members to follow through with a case to completion and relieve the BVA of that administrative burden. On the other hand, Congress would be able to monitor the Chairman's use of acting Board members and to redress any abuse of that authority by the Chairman. No cost or saving is associated with these proposed changes.

Enactment of this draft bill would result in estimated additional costs, all associated with the administrative-allowance provision, of $250,433 for fiscal year 1994 and $1,346,434 for the five-year period of fiscal years 1994 through 1998. Because it would increase direct spending, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF PROPOSED BILL

Section 1. Short title; references to title 38, United States Code.

Section 1(a) of the draft bill states the bill's title: Veterans' Appeals Improvement Act of 1993.

Section 1(b) of the draft bill provides that an amendment of a section or other provision of law made by this bill shall be considered an amendment of a section or other provision of title 38, United States Code, unless expressly provided otherwise.

Section 2. Composition of the Board of Veterans' Appeals.

Section 2(a) of the draft bill would amend current section 7101(a) to codify the position of Deputy Vice Chairman of the Board of Veterans' Appeals and to remove the current 67-member limit on membership of the Board. It would also divide current section 7101(a) into two paragraphs and consolidate two nearly identical sentences in current section 7101(a).

Section 2(b) of the draft bill would amend current section 7101(b) to simplify and technically correct its language, to authorize the Chairman to appoint Deputy Vice Chairmen, and to provide that they perform such functions as the Chairman may specify and serve at his or her pleasure.

Section 2(c) of the draft bill would rescind the Chairman's authority in current section 7101(c)(1) to designate temporary Board members, would relocate there the Chairman's authority in current section 7102(a)(A)(ii) to designate acting Board members, and would remove the 90-day and 270-day limits in current sections 7102(a)(2)(A)(ii) and 7102(a)(2)(B) on the period acting Board members may serve. It also would remove references in current section 7101(c)(3) to temporary Board members.

Section 2(d) of the draft bill would require the Chairman to report yearly who served as acting Board members during the preceding fiscal year and how many cases they participated in.

Section 2(e) of the draft bill would correct a reference in current section 7101(d)(3)(B) to a nonexistent section and remove a reference in current section 7101(e) to temporary Board members.

Section 3. Assignment of Matters Before the Board.

Section 3 of the draft bill would amend current section 7102 by allowing the Chairman, in lieu of the current scheme of dividing the Board into three-member sections, to determine any matter or motion before the Board or to assign any such matter or motion to any other individual Board member or panel of members for determination. It also would prohibit judicial review of any

such assignment made by the Chairman. The provisions in current section 7102(b) concerning hearings would be relocated to proposed section 7110.

Section 4. Determinations by the Board.

Section 4(a) of the draft bill would amend current section 7103(a) to include the Board's authority in current section 7105(d)(5) to dismiss appeals which allege no specific error of fact or law in the determination being appealed. It would also amend section 7103(a) to authorize the Board to dismiss appeals in which the determination being appealed has become moot, to remand cases in which Board members deem additional development necessary for proper disposition, and to render a written decision on issues not dismissed or remanded, which decision shall constitute the Board's final disposition of such issues. It also would relocate into proposedsection 7103(a) various requirements in current section 7104: (1) that Board decisions be based on the entire record in the proceeding and upon consideration of all evidence and material of record and applicable provisions of law and regulation; (2) that the Board be bound in its decisions by the regulations of the Department, instructions of the Secretary, and precedent opinions of the chief legal officer of the Department; and (3) that each Board decision include a written statement of the Board's findings and conclusions, as well as the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record, and an order granting appropriate relief or denying relief. Section 4(a) would also change references to Board sections in current section 7103(a) to Board panels and subject the provision concerning majority decisions of panels to the exception in proposed section 7103(b) of having the Chairman vote on reconsiderations to create a majority when a majority decision cannot otherwise be reached.

Section 4(b) of the draft bill would amend section 7103(b) to relocate there the provision in current section 7103(a) concerning the finality of Board decisions unless the Chairman orders reconsideration in a case. It would also relocate into proposed section 7103(b) the provision in current section 7104(b) concerning the exception provided in section 5108 to the finality of a claim disallowed by the Board. Section 4(b) would also make administrative allowances under proposed section 7103(d) an exception to the finality of Board decisions. It also would amend section 7103(b) to clarify that, when the Chairman orders reconsideration in a case, the case shall be considered by a panel of Board members assigned by the Chairman but excluding the Chairman if originally decided by an individual Board member, or by an expanded panel of Board members assigned by the Chairman but excluding the Chairman if originally decided by a panel of members. It further would provide that, if the panel or expanded panel cannot reach a majority decision, the Chairman may again expand the panel or vote with the panel so as to create a majority decision.

Section 4(c) of the draft bill would amend current section 7103 by adding a new subsection (d), which would require any Board member who believes that a prior, otherwise final denial of a claim should be revised or amended to grant a benefit in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, to refer such case to the Chairman or Vice Chairman for consideration. It also would require the Chairman or Vice Chairman, if of the same opinion in a case, whether upon referral by a Board member or on the Chairman's or Vice Chairman's own motion, to administratively allow the claim. Further, it would prohibit judicial review of the determination of the Chairman or vice Chairman as to whether to exercise this authority. Section 4(c) of the draft bill would also relocate into a new section 7103(e) the provisions in current section 7104(e), concerning the notification that a Board decision has been made, as well as making technical changes to the language.

Section 5. Jurisdiction of the Board.

Section 5 of the draft bill would amend current section 7104(a) to correct the citation to former section 211(a). It would also eliminate provisions in current section 7104(a), concerning the opportunity for a hearing and the bases of Board decisions, which would be relocated to other sections by sections 8 and 4 of the draft bill, respectively, and eliminate current sections 7104(b) through (e), the provisions of which would be relocated by section 4 of the draft bill.

Section 6. Appellate Procedure.

Section 6 of the draft bill would eliminate current section 7105(d)(5), the provisions of which would be included in proposed section 7103(a)(1) by section 4(a) of the draft bill.

Section 7. Medical Opinions.

Section 7 of the draft bill would amend section 7109 to specifically authorize Board members to request opinions on medical questions from Board employees, Veterans Health Administration employees, or employees of other Federal departments or agencies, provided such employees are licensed to practice medicine in any state. It also would combine into one subsection, proposed section 7109(b), the provisions in current sections 7109(a) and (b) and specify that employees of a medical school, university, or clinic shall not be considered, for purposes of this section, employees of VA or another Federal department or agency just because the medical school, university, or clinic receives grants from, or provides contract services to, VA or another Federal department or agency. Further, section 7 would amend current section 7109(c) to require that the opinion be in writing and made a part of the record, and that the claimant be given the opportunity to respond. It also would change the reference to furnishing a copy of the opinion to the claimant to mailing a copy of the opinion to the claimant and any representative.

Section 8. Hearings.

Section 8 of the draft bill would amend current section 7110 to include the requirement in current section 7104(a) that the Board decide an appeal only after affording the claimant the opportunity for a hearing and change the reference to the claimant to the appellant. It also would include in proposed section 7110(b) the requirements in current section 7102(b) that a hearing docket be maintained and formal recorded hearings be held by a Board member or members designated by the Chairman. Such member or members will participate in making the final determination in the claim. Technical changes to comport with other provisions in the draft bill are also included. It would also delete the reference in current section 7110 to a traveling section of the Board and specify that appellants may request a hearing before the Board at either its principal location or a VA regional office, as well as authorizing VA to specify where hearing requests may be filed. In addition, section 8 would authorize the Secretary to provide suitable facilities and equipment to enable appellants at a facility within a regional office area to participate, via voice or picture-and-voice transmission by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location. Further, where such facilities are available, it would give the Chairman discretion to offer such a hearing to an appellant in lieu of a personal appearance before the Board in the regional office area or at the Board's principal location.

Section 9. Table of Contents.

Section 9 of the draft bill would amend the table of contents at the beginning of chapter 71, title 38, United States Code, to conform to new section headings for proposed sections 7102, 7109, and 7110.

Section 10. Effective Dates of Awards Based on Difference of Opinion.

Section 10 of the draft bill would amend current section 5110 to add a new subsection (o), which would provide that the effective date for the award of any benefit or any increase in any benefit on the basis of a difference of opinion as authorized in proposed section 7103(d) be no earlier than the date VA received an application under 38 U.S.C. §5108 to reopen the claim if the award resulted from review initiated by such an application, or the date the Chairman or Vice Chairman approved the award if it resulted from review undertaken solely on VA's own initiative.●

By Mr. WOFFORD:

S. 1446. A bill to help schools achieve the sixth goal of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by supporting school and communitywide efforts to make schools and neighborhoods safe and drug free; to the Committee on Labor and Human Resources.

SAFE AND DRUG-FREE SCHOOLS ACT OF 1993

● Mr. WOFFORD. Mr. President, schools are opening across the country. But already one young person in California is fighting for his life after being caught in the crossfire of a gang fight. Along with the hopes, anxieties, and anticipation that many students carry to their first day of school are the hidden baggage of guns and knives—and above all the fear of violence.

Only 29 percent of parents believe that their children are safe in school. According to the Centers for Disease Control, nearly three million crimes occur on or near school campuses every year—one every six seconds. It's estimated that over one hundred thousand students carry guns to school each day. Thousands of students and teachers alike are victims of physical attacks or threats of violence. It's a terrifying situation. And, it's a scandal.

That's why I am introducing today the Safe and Drug Free Schools Act of 1993. I'm doing so on behalf of the President and Secretary Riley. This legislation will provide parents, teachers, and students with the tools they need to fight violence in our schools. And they clearly need help in this battle.

Victoria Johnson, a teacher at Olney High School in Philadelphia said, "It's

an everyday occurrence. I've had one student who attempted to shove me around. Recently, two of my students were arrested for carrying knives. There are four or five fights a day. I believe most of the students carry weapons, they just don't brandish them."

Ms. Johnson teaches in a large urban school. But school violence has infected our rural and suburban schools as well. Here's a letter I recently received from Barbara Ryan, a teacher in a Pennsylvania suburban school.

I am a high school biology teacher in Pennsburg, PA, a typical rural/suburban community with a relatively low crime rate. On May 24 of this year, a tenth grade student pulled out a handgun and shot and killed another student in my classroom. In doing so, he destroyed two lives and permanently bruised the lives of countless others. . . . I am still grappling with the utter senselessness of this tragedy, with what may have caused it, and how it might have been prevented. . .

I never ever want to see a child die in this manner again. It's imperative that we find solutions to this problem of teenage violence, because what happened in my classroom wasn't just an isolated incident, but has happened in countless communities across the country.

Mr. President, no teacher or student should have to feel that kind of pain and fear of senseless violence.

The sixth National Education Goal, established by the nation's governors, states, "By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning." The legislation I am proposing today will bring us closer to that goal.

The Safe and Drug Free School Act will help local school districts develop and carry out comprehensive programs to prevent destructive behavior. Schools will be able to attack their own individual problems head-on. Schools could use funds to fit their own unique needs to develop programs such as teacher training, conflict resolution training for students, anti-gang efforts, or they could use funds to develop a partnership with the police, or a mentoring program with members of the business community.

Feelings of hopelessness, alienation, and cynicism that lure children into using drugs also lead to violent behavior. Since drug use and violence often go hand in hand, the most promising strategy is comprehensive, coordinated school and community efforts, efforts that bring together families, students, community organizations and law enforcement. This legislation will support these efforts.

This legislation does not create another federal program and bureaucracy. Rather, it alters an existing program to better meet the challenges facing our schools today. It will not burden schools with rigid, top-down, bureaucratic rules, but will leave communities free to produce the best course of action and give them some of the resources needed to get things done.

Many Pennsylvania communities have taken the lead in attacking violence in schools. I met today with students, teachers, and administrators from all parts of Pennsylvania who told me their own stories of the violence they see in their schools and how this legislation will help them do something about it. In Ptttsburgh, the school district formed a task force that's taking the ideas of parents to work to eliminate violence among young people. In Reading, a peer mediation program is teaching children how to settle their own disputes without resorting to weapons, punches, and insults.

Education is the one sure path to a better life for every American child. But children cannot learn if they don't feel safe. The Safe and Drug Free Schools Act will help us to once again make our schools a safe haven of knowledge, hope, and security.●

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIED, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 588

At the request of Mr. ROBB, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 588, a bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes.

S. 913

At the request of Mr. LIEBERMAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 913, a bill to provide that the Vietnam Veterans Assistance Fund, Inc. shall be considered as having complied with certain national eligibility requirements for purposes of the 1992 Combined Federal Campaign, and for other purposes.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 1128

At the request of Mr. AKAKA, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1314

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1314, a bill to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building."

SENATE JOINT RESOLUTION 69

At the request of Mr. PELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Joint Resolution 69, a joint resolution providing for the United States to assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in the high-level United Nations Sustainable Development Commission.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. COCHRAN, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. WALLOP], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. MITCHELL], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution expressing the sense of Congress that the 60th anniversary of the Ukraine famine of 1932–33 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

BOXER (AND OTHERS) AMENDMENT NO. 783

Mrs. BOXER (for herself, Mr. FEINGOLD, Mr. ROBB, Mr. CAMPBELL, and Mrs. MURRAY) proposed an amendment to the bill, S. 1298, to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

Strike out section 546 (page 139, line 20, through page 148, line 8) and insert in lieu thereof the following:

SEC. 546. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisors to the President and Secretary.

WARNER AMENDMENT NO. 784

Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1298, supra; as follows:

On page 242, after line 19, insert the following:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the Sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 29, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes. On page 9, after the item relating to section 1066, insert:

Sec. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

SASSER (AND OTHERS) AMENDMENT NO. 785

Mr. SASSER (for himself, Mr. BUMPERS, Mr. JEFFORDS, Mr.. SIMON, Mrs. BOXER, Mr. WOFFORD, Mr. LAUTENBERG, Mr. MATHEWS, Mr. WELLSTONE, Mr. PRYOR, Mr. DORGAN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1298, supra, as follows:

On page 64, strike out line 21 and all that follows through page 65, line 3, and insert in lieu thereof the following:

more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60

SPECTER AMENDMENTS NOS. 786–789

(Ordered to lie on the table.)

Mr. Specter submitted four amendments intended to be proposed by him to the bill S. 1298, supra, as follows:

AMENDMENT NO. 786

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. FUNDS FOR EXCESS COSTS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) FUNDS.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (d), by striking out "The Secretary of Defense" and inserting in lieu thereof "Except as provided in subsection (e), the Secretary of Defense"; and

(2) by adding at the end the following:

"(e) EXCESS COSTS.—(1) If the cost of the closure or realignment (under this part) of a military installation referred to in paragraph (2) exceeds by more than 50 percent the cost estimated for such closure or realignment in the cost estimate prepared by the Secretary of Defense in recommending the closure or realignment of the installation—

"(A) the Secretary shall—

"(i) use funds available to the Secretary for military construction activities or operation and maintenance activities of the Department of Defense as the sole source of funds for such excess costs; and

"(ii) notify the Comptroller General that such costs so exceed such estimated cost; and

"(B) not later than 6 months after the date of the notification under subparagraph (A)(ii), the Comptroller General shall submit to Congress a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such cost estimate.

"(2) A military installation referred to in paragraph (1) is any installation whose closure or realignment under this part results in a reduction in the Department of Defense civilian workforce of the installation by more than 1,000 persons or by more than 50 percent of such workforce.".

(b) CONFORMING AMENDMENT.—Section 2906(b)(1) of such Act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in section 2905(e)(1)(A)(i), the Secretary".

AMENDMENT NO. 787

On page 134, strike out line 3 and all that follows through page 136, line 23, and insert in lieu thereof the following:

(b) ARMY ASSIGNMENTS.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Army may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration ..... 3591".

(c) NAVY AND MARINE CORPS ASSIGNMENTS.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Navy may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.

(d) AIR FORCE ASSIGNMENTS.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Air Force may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days of continuous session of Congress following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration ..... 8591".

AMENDMENT 788

Amendment to Section 2909 of S. 1298:

SEC. 2909. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENTS.

In subsection (b) strike out the words "or community" after the word "authority" in two separate locations and adding the following subsection:

"(c) REDEVELOPMENT AUTHORITY.—(1) As described in subsection (a), the redevelopment authority shall include, at a minimum, two representatives designated by the majority of the employees at the affected facility."

"(2) The responsibilities of the redevelopment authority as described in subsection (a), will be managed by a chairman jointly selected by the employees at the affected installation and the Office of Economic Adjustment."

AMENDMENT NO. 789

At the appropriate place, insert:

SPECIAL LIMITATION REGARDING ZINC.—The disposal of zinc from the National Defense Stockpile under section 98e(b) of the Strategic and Critical Materials Act, 50 U.S.C. 98 etc., must be used, to the greatest possible extent, by the U.S. Mint for coinage (stockpile meeting the U.S. Mint's specifications) or as government furnished material supplied to a contractor in the performance of a Federal Government contract.

BYRD (AND OTHERS) AMENDMENT NO. 790

Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. PRESSLER, Mr. COCHRAN, Mr. BOND, and Mr. KERRY) proposed an amendment to amendment No. 782, as modified, to the bill S. 1298, supra, as follows:

In the amendment, strike all after line 4, page 1, and insert:

Sense of Congress regarding United States Policy towards Somalia.

Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

(a) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.

(b) PLANNING.—The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

(c) REPORTING REQUIREMENT.—

(i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(ii) Such report shall include the status of planning to transfer the functions contained in paragraph (b).

(d) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization in order for the deployment of U.S. forces to Somalia to continue.

PRYOR AMENDMENT NO. 791

Mr. PRYOR proposed an amendment to the bill S. 1298, supra, as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

DECONCINI (AND OTHERS) AMENDMENT NO. 792

Mr. DECONCINI (for himself, Mr. HARKIN, Mr. KENNEDY, and Mr. WELLSTONE) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, add the following new section:

SEC. 1067. DRUG TREATMENT FOR WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds the following:

(1) Despite the fact that drugs are having a devastating effect on families in America, drug-exposed babies and their substance-abusing mothers go largely untreated. Women who do seek treatment often face tremendous barriers to care, most notably the fear of prosecution for abuse or neglect or of losing children to protective services, and the lack of gender-specific treatment interventions, including inadequate child care services.

(2) The growing phenomenon of infants prenatally exposed to alcohol and other drugs is exacerbated by the inaccessibility of treatment for drug-addicted mothers. It is estimated that between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000.

(3) Mother-to-baby drug exposure comes at great economic and social cost to the Nation. Human costs can be measured by the problems of premature and low birth-weight infants, fetal alcohol syndrome/fetal alcohol effect, mental and developmental delays, and perinatal transmission of HIV and other sexually transmitted diseases. The United States ranks poorly among Western nations in infant mortality with maternal use of alcohol and other drugs thought to be a contributing factor.

(4) Currently there are 430,000 children in foster care. By 1995, this number is expected to increase to 550,000 children. A large portion of this increase is thought to be due to the introduction of crack cocaine in the mid 1980s and the increasing number of families who are abusing alcohol and other drugs.

(b) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense and which remain unobligated on October 1, 1993, $85,485,000 shall be rescinded and $50,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1994. Of such amount—

(1) $30,000,000 shall be available under section 510 of the Public Health Service Act (42 U.S.C. 290bb-3), of which—

(A) 50 percent of such amount shall be used for comprehensive residential treatment programs for women and children; and

(B) 50 percent of such amount shall be used for comprehensive outpatient treatment programs for women and children; and

(2) $20,000,000 shall be distributed to States pursuant to the formula under section 1933 of the Public Health Service Act (42 U.S.C. 300x-33) to be used by States towards their responsibility to provide treatment services for women under section 1922(c) of such Act (42 U.S.C. 300x-22(c)).

NUNN AMENDMENT NO. 793

Mr. NUNN proposed an amendment to amendment No. 792 proposed by Mr. DECONCINI to the bill S. 1298, supra, as follows:

On page 3, strike lines 5 through 11 and insert in lieu thereof the following:

"(b) TRANSFER OF FUNDS.—

"(1) The Director of the Office of Management and Budget shall transfer $50,000,000 from the funds appropriated for any discretionary programs, projects or activities which remain unobligated and available to all departments and agencies of the executive branch of the federal government as of October 1, 1993 as provided in paragraph (2).

"(2) The amount authorized to be transferred from the unobligated balances of any department or agency pursuant to paragraph (1) shall be an amount which bears the same ratio to $50,000,000 as the amount of unobligated funds of that department or agency on October 1, 1993 bears to the total amount of unobligated funds for the discretionary programs of all departments and agencies of the executive branch on October 1, 1993.

"(c) ALLOCATION OF FUNDS.—Of that amount—".

BOXER AMENDMENT NO. 794

Mrs. Boxer proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, insert the following:

SEC. 1067. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

FEINSTEIN AMENDMENT NO. 795

Mrs. FEINSTEIN proposed an amendment to the bill S. 1298, supra, as follows:

On page 180, after line 24, insert the following:

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

LEVIN (AND COHEN) AMENDMENT NO. 796

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, after line 24, insert the following:

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations

to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

ROBB (AND WARNER) AMENDMENT NO. 797

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill S. 1298, supra, as follows:

SEC. . TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

WARNER (AND ROBB) AMENDMENT NO. 798

Mr. NUNN (for Mr. WARNER, for himself and Mr. ROBB) proposed an amendment to the bill S. 1298, supra, as follows:

SEC. . Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

WARNER (AND LEVIN) AMENDMENT NO. 799

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate point in the bill, add the following new section:

SEC. . Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

MCCAIN AMENDMENT NO. 800

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . Transportation of Cargoes by Water.—Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"2631a. Contingency planning—

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements . . . subsection n(b)."

THURMOND AMENDMENT NO. 801

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1298, supra, as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States an amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

BINGAMAN AMENDMENT NO. 802

Mr. NUNN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, below line 24, add the following:

SEC. 825. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 803

Mr. NUNN (for Mr. BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 413, between lines 18 and 19, insert the following:

SEC. 3139 EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

DECONCINI (AND OTHERS) AMENDMENT NO. 804

Mr. NUNN (for Mr. DECONCINI, for himself, Mr. BINGAMAN and Mr. DOMENICI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, below line 24, add the following:

SEC. 825. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installationunder the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purpose of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

SMITH AMENDMENT NO. 805

Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL

The Secretary of the Navy shall direct that members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

LEVIN (AND WARNER) AMENDMENT NO. 806

Mr. NUNN (for Mr. LEVIN, for himself, and Mr. WARNER) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Interim Reconnaissance Program. (a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-developmental airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

KENNEDY (AND COHEN) AMENDMENT NO. 807

Mr. NUNN (for Mr. KENNEDY, for himself, and Mr. COHEN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . Live-Fire Survivability Testing of C-17 Aircraft.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993."

AKAKA AMENDMENT NO. 808

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1298, supra, as follows:

On page 156, between lines 2 and 3, insert the following:

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

CHAFEE (AND THURMOND) AMENDMENT NO. 809

Mr. WARNER (for Mr. CHAFEE, for himself, Mr. THURMOND, and Mr. MURKOWSKI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

MCCAIN AMENDMENT NO. 810

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 233, after line 23, insert the following:

SEC. 1056. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

BRYAN (AND OTHERS) AMENDMENT NO. 811

Mr. NUNN (for Mr. BRYAN, for himself and Mr. COATS, Mr. RIEGLE, and Mr. D'AMATO) proposed an amendment to the bill S. 1298, supra, as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

BAUCUS (AND CHAFEE) AMENDMENT NO. 812

Mr. NUNN (for Mr. BAUCUS for himself and Mr. CHAFEE) proposed an amendment to the bill S. 1298, supra, as follows:

On page 94, between lines 11 and 12, insert the following:

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993."

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50

percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

JOHNSTON (AND OTHERS) AMENDMENT NO. 813

Mr. NUNN (for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. CRAIG, and Mr. SIMON) proposed an amendment to the bill S. 1298, supra, as follows:

On line 19, page 413 through line 9, page 425, strike "Subtitle D—Cooperative Research and Development" and insert in lieu thereof the following new subtitle:

"SUBTITLE D—COOPERATIVE RESEARCH AND DEVELOPMENT

"SEC. 3141. SHORT TITLE.

"This subtitle may be cited as the 'Department of Energy National Competitiveness Technology Partnership Act of 1993'.

"SEC. 3142. DEFINITIONS.

"For purposes of this subtitle, the term—

"(a) 'Department' means the United States Department of Energy; and

"(b) 'Secretary' means the Secretary of the United States Department of Energy.

"SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

"(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et. seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) "cooperative research and development agreement" has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)(1));

"(2) "core competency" means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) "critical technology" means a technology identified in the Report of the National Critical Technologies Panel;

"(4) "Departmental laboratory" means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) "disadvantaged" has the same meaning as that term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

"(6) "dual-use technology" means a technology that has military and commercial applications;

"(7) "educational institution" means a college, university, or elementary or secondary school, including any non-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) "minority college or university" means a historically Black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

"(9) "multi-program departmental laboratory" means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) "partnership" means any arrangement under which the secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other federal agencies;

"(11) "Report of the National Critical Technologies Panel" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) "small business" means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the mission identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to U.S. technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. §3710a(c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(A)(1) The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory fromutilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to section 25 and 26 of the Act of March 3, 1901(15 U.S.C. 278k and 2781) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a federal contribution in excess of $5 million, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of an United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate Committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development, demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnership with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarship shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

"(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) is amended by adding at the end thereof the following items—

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, Purposes and Definitions.
"Sec. 1102. General Authority.
"Sec. 1103. Establishment of Goal for Partnerships Between Departmental Laboratories and United States Industry.
"Sec. 1104. Role of the Department in the Development of Critical Technology Strategies.
"Sec. 1105. Partnership Preferences.
"Sec. 1106. Evaluation of Partnership Programs.
"Sec. 1107. Annual Report.
"Sec. 1108. Partnership Payments.
"Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory Groups at Multi-Program Departmental Laboratories.
"Sec. 1110. Fellowship Program.
"Sec. 1111. Cooperation with State and Local Programs for Technology Development and Dissemination.
"Sec. 1112. Availability of Funds for Partnerships.
"Sec. 1113. Protection of Information.
"Sec. 1114. Fairness of Opportunity.
"Sec. 1115. Product Liability.
"Sec. 1116. Intellectual Property.
"Sec. 1117. Small Business.
"Sec. 1118. Minority College and University Report.
"Sec. 1119. Minority College and University Scholarship program.".

"SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

"The Secretary is encouraged to use partnerships to expedite the private sector development of advanced manufacturing technologies as required by Section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

"SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

"The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development and Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

"SEC. 3146. CAREER PATH PROGRAM.

"(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

"(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(b) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak RidgeNational Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories."

"(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. section 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraph (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): Provided, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

"SEC. 3147. AVLIS COMMERCIALIZATION.

"(a) PREDEPLOYMENT CONTRACTOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include;

"(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

"(2) confirming the technical performance of AVLIS technology;

"(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

"(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

"(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

"(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

"(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

"(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

"(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

"(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

"(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant 90 days after the date of enactment of this act and each 90 days thereafter.

"SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

"(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(5)) is amended—

"(1) by deleting subparagraph (c)(i) and inserting in lieu thereof the following:

"(C)(i) any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research anddevelopment agreement that is submitted by the director of such laboratory within 30 days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within 15 days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

"(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

"(3) by deleting subparagraph (C)(iv);

"(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

"(5) by deleting subparagraph (C)(vi).

"(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

"(1) in subparagraph (B) by striking "substantial" before "purpose"; and

"(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

"SEC. 3149. GUIDELINES.

"The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act.

"SEC. 3510. AUTHORIZATION.

"(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

"(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

"(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.".

JOHNSTON (AND OTHERS) AMENDMENT NO. 814

Mr. NUNN (for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, and Mr. CRAIG) proposed an amendment to the bill S. 1298, supra, as follows:

On page 408, line 26, after "prescribes." insert:

"The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Friday, September 10, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the constitutional issues relating to S. 1021, the Native American Free Exercise of Religion Act of 1993.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. NUNN. Mr. President, I request unanimous consent that the Senate Select Committee on Intelligence be allowed to meet on Thursday, September 9, 1993, at 4 o'clock to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NUNN. Mr. President, I request unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 10 a.m. to conduct a hearing on encouraging lending to and investment in small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I request unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 3 p.m. to hold nomination hearings on the following nominees: Reginald Bartholomew, of the District of Columbia, to be Ambassador to Italy; Richard N. Gardner, of New York, to be Ambassador to Spain; Richard Holbrooke, of New York, to be Ambassador to the Federal Republic of Germany; and William G. Miller, of Virginia, to be Ambassador to Ukraine.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation be allowed to meet during the session of the Senate on Thursday, September 9, 1993 at 2:30 p.m. in SR-332 on the use of water to control grain dust.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 9, beginning at 10 a.m., to conduct a hearing on the Superfund cleanup process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. NUNN. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 10:30 a.m., to hold a hearing on S. 841 a bill to amend chapter 37 of title 31, United States Code, relating to false claims action, and for other purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REGAL WARE, INC.

• Mr. BUMPERS. Mr. President, I want to join my colleague, Senator PRYOR, in paying tribute to Regal Ware, Inc. This major housewares manufacturer has just announced a major expansion of its Jacksonville plant in Arkansas.

Jacksonville Manufacturing began operating as a Regal plant in 1984 and today has a work force of 634, making it the largest private employer in that community.

This Arkansas plant produces the largest assortment of drawn aluminum cookware in the industry, as well as cast cookware.

We are proud to have Regal Ware in our State and appreciate the continued commitment the company has made to the people of Jacksonville and the surrounding area in announcing this expansion.

As chairman of the Senate Small Business Committee, I am pleased to cite yet another example of one of the strengths of this Nation. That strength, of course, is a vibrant and growing small business sector in the economy.•

GREG WYATT EXHIBITS IN THE SENATE

• Mr. D'AMATO. Mr. President, I rise today to recognize Mr. Greg Wyatt, the sculptor-in-residence at the Cathedral Church of Saint John the Divine, and to urge my colleagues in the Senate to attend a unique exhibition that I am sponsoring on his behalf in the Russell Senate Office Building rotunda from Monday, September 13, 1993, through Friday, September 24, 1993.

Greg Wyatt, born in the small town of Grand View-on-the Hudson, NY in 1949, was nurtured in the artistic tradition of his native Hudson River Valley. His talent was encouraged at an early age by his father, art professor at Columbia University and City College of

New York. Upon completion of his bachelor of arts degree in art history at Columbia College in 1971, he studied classical sculpture for three years at the National Academy of Design. In 1975, he taught sculpture in Italy, where he developed his love of Renaissance art that led to the resignation of his teaching position at New York University and to his full-time devotion to sculpting.

Mr. Wyatt is currently the sculptor-in-residence at the Cathedral Church of St. John the Divine, a long-term appointment to a Renaissance studio within the crypt of the world's largest Gothic cathedral.

When the National Arts Club in 1983 in New York City wanted to have a symbol of its concern for children and the role of the arts in their development, it turned to Greg Wyatt to provide a fountain for Gramercy Park. Its excellence won for him critical acclaim, the patronage of the public and the admiration of other artists. His technical powers and his diligence in executing work have brought him many commissions. No other young artist has done more to restore sound principles of design and form to American sculpture.

When the Episcopal Diocese of New York celebrated its 200th anniversary the sculptor chosen to create a new statue to provide a message of strength and thanksgiving was inevitably Greg Wyatt. In the 16-ton bronze sculpture named "Peace Fountain," an imposing winged angel is depicted in combat against the incarnations of evil. It is a tribute to the decorative strength and charm of the bronze forms that the piece is not overwhelmed by the towering Gothic Cathedral of St. John the Divine. In this religious statuary is an example of Wyatt's genius on an imposing scale.

Wyatt's true inspiration continues to come from Roman and Greek sources. The Renaissance is also an important influence in his portraiture and in his medals. Wyatt has the rare gift of historical imagination. From his studies at the National Academy School and art history bachelor's degree at Columbia College, Wyatt is informed, soundly equipped and deeply inspired. This sculptor can easily project himself into another culture, extract its essence, and make it his own. Diverse elements and larger themes are fused in the white heat of his imagination into something entirely original.

Following his outstanding exhibition at the Metropolitan Museum of Art, Greg Wyatt was invited recently by Dudley House Graduate Student Center of Harvard College to place three heroic-scale works on the brick pavement in front of Lehman Hall in Harvard as part of a major sculpture exhibition. Of course, we have had the pleasure of having Mr. Wyatt here on Capitol Hill when he displayed his work in the Cannon House Office Building rotunda last March.

Finally, Mr. President, Mr. Wyatt is the president of Fantasy Foundation Inc., which provides a rare opportunity for apprentices in his sculpture studio at the Cathedral Church of St. John the Divine—high school and college aged students—to gain further insight into the Renaissance craft tradition.

I honor Greg Wyatt today on the floor of the U.S. Senate and wish him well in his efforts to bring the beauty of his art to education.●

NATIONAL COMMUNITY SERVICE ACT

● Mr. ROCKEFELLER. Mr. President, because of a personal commitment to attend a family event out of town, I simply could not be on the Senate floor yesterday to vote for the conference report on the National and Community Service Trust Act of 1993.

This legislation has been debated extensively in the Senate, and the outcome of the vote was not in doubt. The Senate passed the conference report with a bipartisan support. Had I been in the Senate Chamber, I would have voted for the legislation, and I want to reiterate my strong, personal support for it. As an original cosponsor of the bill and a VISTA worker in West Virginia over 25 years ago, I truly believe that investing in public service will greatly strengthen our country.

Also, I want to commend Senator KENNEDY, Senator WOFFORD, and my colleagues who have shown tremendous leadership and commitment to moving this legislation forward in a bipartisan manner. National service is an issue for every American, and having bipartisan initiative is important to bring our country together around the themes of national and community service. Enactment of this legislation should spark a bold new commitment across our country to public service.

I joined President Clinton at Rutgers University in March when he unveiled his vision for national service. It was a moving event designed to reach out to all Americans, especially young people by challenging them to serve. It is rewarding that the Senate acted within 6 months of that speech to establish the Corporation for National and Community Service and begin the initiative proposed by President Clinton.●

RECOGNIZING THOMAS TAYLOR OF FORT WAYNE, IN

● Mr. COATS. Mr. President, Hoosiers have a long tradition of caring for their environment. From the Dunes National Lakeshore in the northern part of the State to the Hoosier National Forest in the south, the people of Indiana are proud of the beauty and diversity of their natural environment.

It is in this spirit of Hoosier conservationism that Thomas Taylor of my home town of Fort Wayne has written a clear and concise statement about dedication to the environment.

Mr. Taylor's pledge was selected out of 10,000 entries to be Outdoor Life magazine's new conservation pledge. It will appear in each issue of the magazine, having made its debut in the July 1993 edition.

Mr. Taylor, his wife, and two children are a camping family, one that recognizes that enjoying nature together is one of the best ways to strengthen family ties.

In addition to being a lover of the out-of-doors, Mr. Taylor has had an effective career in public service, serving the people of Fort Wayne as a policeman for over 14 years.

Outdoor Life has a distinguished history of publishing America's leading writers and lovers of the out-of-doors, among them Theodore Roosevelt, Ernest Hemingway, Wally Schirra, and Patrick McManus.

Thomas Taylor's pledge deserves a place in the CONGRESSIONAL RECORD. It expresses eloquently the appreciation and duty we all must bring to the environment God has created, for our own sake and the sake of our children. I am pleased to include it here:

> I pledge to protect and conserve the natural resources of America. I promise to educate future generations so they may become caretakers of our water, air, land and wildlife.●

TRIBUTE TO ED HAMILTON: LOUISVILLE SCULPTOR RECEIVES NATIONAL RECOGNITION

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fellow Louisvillian who has recently been honored by the Washington, DC Commission on the Arts and Humanities. A design by Mr. Ed Hamilton was recently chosen by the commission as the one for the Civil War memorial honoring black soldiers.

Mr. Hamilton is excited about the opportunity to pay homage to these special American citizens in such a prominent forum. The national monument, which is scheduled to be completed in 2 years, will be located at the corner of 10th and U Streets in northwest Washington.

Mr. Hamilton's design was deemed the most impressive of all the submissions. Included in the memorial will be all 185,000 names of the veterans, considerably more than the 58,000 which line the Vietnam Memorial Wall.

The Civil War, Mr. President, is an era in our Nation's history which is perhaps the darkest passage in our Nation's history. Brother was pitted against brother as Americans of all colors fought to protect their homes, families, and ideals. It is important that we recognize the soldiers who fought in this epic conflict, for their commitment to freedom and individual liberties.

Mr. President, it is obvious that a project of this magnitude requires a special person to follow it to fruition. Ed Hamilton has proven that he has the skill and compassion that are necessary to portray this important part of our Nation's history. His previous works include a bronze of boxer Joe Louis in Detroit, a statue of Booker T. Washington in Hampton, VA, and a monument to African Joseph Cinque in New Haven, CT. I think my colleagues will agree that this is an impressive body of work.

Mr. President, I ask my colleagues to join me in honoring this gentleman who has devoted his professional life to memorializing the people and ideas which have made this country great. In addition, I ask that an article from the August 20, 1993, Courier Journal be included in the RECORD at this point.

The article follows:

LOUISVILLE SCULPTOR HAS DESIGNS ON CAPITAL

(By Mark E. McCormick)

Lousiville sculptor Ed Hamilton's newly commissioned war memorial will include something often forgotten through the hazy memory of history: the families his Civil War soldiers were fighting for.

Hamilton recently was selected to design the centerpiece for a Civil War memorial in Washington, D.C., for black soldiers.

His design depicts a line of Civil War infantry and sailors on the convex side of a semicircle wall and the family figures they were leaving behind and for whom they were fighting on the other side of the wall.

"The committee agreed that this conveys the sense that they 'were fighting for the protection of their families from the slave trade, unjust treatment, and (for) equal protection under the law,'" said the commission's announcement letter to Hamilton.

Hamilton was one of two finalists for the $200,000 project to create a memorial honoring the 185,000 black Union troops. The memorial, commissioned by the District of Columbia, will be placed at the corner of 10th and U streets in northwest Washington.

Hamilton said he used to tell his wife, "I'll probably be 60 or something before I'll start (getting the opportunity) to build the big memorials."

But at 46, Hamilton has, in the Civil War memorial, possibly his most prestigious national project yet.

"It was like a burden had been lifted," said Hamilton in his Phoenix Hill neighborhood studio about hearing the news. "I felt triumphant. I wanted this so badly."

Matt Radford, art in public places coordinator with the Washington, D.C., Commission on the Arts and Humanities, said Hamilton's proposal for the project "truly told the story that they felt should be told."

"What they particularly appreciated was the way he was able to tell that story through the design proposal," Radford said.

The site also features a walkway leading to the monument lined on each side with nine light fixtures symbolizing the 18 free states. The names of the 185,000 black soldiers have been inscribed on ½-inch stainless steel plates and mounted on the semicircular walls behind the monument.

The Vietman Memorial by contrast is a much larger site but has 58,000 names.

Paul Devrouax, president of Devrouax & Purnell Architect Planners P.C., the firm that did the overall and landscaping design for the Civil War memorial, said he was impressed with Hamilton and Hamilton's past works.

"His approach was quite unique and refreshing," Devrouax sad, "Clearly we felt we had a number of artists that were renowned vying for the project. But it was his concept that really won over the other members of the board. It fit."

Hamilton said he wrestled with how to depict effectively the experience of the 185,000 soldiers and what they were fighting for.

"It goes beyond looking at bricks and mortar," Hamilton said. "I'm telling the story of our people's history. It's a narrative piece. You can't tell a story with just one or two figures. This tells what they are really fighting for."

This work, when completed in about two years, will be a continuation of Hamilton's march into national prominence as a top sculptor.

His previous public commissions include a bronze of boxer Joe Louis for Detroit, a statute of orator and teacher Booker T. Washington for Hampton Institute in Hampton, Va., and a monument to African Joseph Cinque in New Haven, Conn.

"I sleep and breathe this stuff," said Hamilton, whose father was a tailor and whose mother was a barber. "I can't even go on vacation because all I do is think about what I should be doing."

It wasn't long ago, however, that Hamilton was enduring the creative turmoil all artists endure—pursuing thematically fulfilling projects while trying to meet the financial needs of his family.

"I was having a crazy renaissance," said Hamilton of some of his earlier work, which included a collection of welded-metal abstractions called "Junkology." "But I was torn between wanting to do this full time and realizing I had to do something to pay the rent."

But now, hard at work in his studio crammed with works big and small that he says ooze with feeling, Hamilton is "right where I want to be. I can do what I want."

"I can look at where I've come and say, 'This kid off of Sixth and Walnut has done this?' I'm just lucky to be here."•

IN HONOR OF WILLIAM J. "BILL" HIMES, SR.

• Mr. BIDEN. Mr. President, when my friend, Bill Himes, talks about his memories from childhood, he literally traces the history of his beloved home town of Seaford, DE, and of Delaware's fire service community, in which he has been an active leader for more than 50 years.

Bill Himes remembers the sights and sounds of hose carts on steel-rimmed wheels, being pulled by firemen down unpaved streets; he can still hear the sound of those old fire bells and of voices through the smoke, and he still conveys the emotions that he felt as a young boy watching the very human struggle, the very real danger and the bravely shared fight to save a neighbor's home, a neighbor's life.

To young Bill Himes, what he saw and heard in his youth was a call to service. He decided before he was old enough for first grade that he would be one of those courageous and selfless good neighbors who would answer the fire alarm.

In the almost 80 years since that decision, Bill Himes has never failed to answer the call of the fire service. He joined the ranks of Seaford firefighters as soon as he was old enough; that was in 1942. He has been the company's chief engineer, chief, and president, and for the past 20 years, he has been the first and only member of the Seaford Volunteer Fire Company to hold the title of chief emeritus.

Even beyond his own home company, Bill Himes is one of the true founding fathers of Delaware's modern fire service. He has been there literally since the beginning, as an original member and longtime officer of the Sussex County Volunteer Fire Chiefs' Association; he has served on the Delaware State Fire Commission, and as president and director of the Fire Chiefs' Association of Delaware. Among the honors Bill has received are the Order of the First State and election to both the State and regional Firefighters Halls of Fame.

But no award and no words could ever capture the meaning of what Bill Himes has contributed to our State. Firefighters represent the very best of the ideals and spirit of American community, and Bill Himes represents the very best of the ideals and spirit of firefighters.

Bill is the kind of citizen who makes communities work, and moves them closer to what they can and should be. Bill Himes is a neighbor you can count on, a friend you can trust. It has been my privilege to trust and count on him for many years, and like the firefighter he is, Bill has been there every time I have needed him.

Last year, we in Delaware had an opportunity to say thank you to Bill, as his home company honored him for 50 years of faithful service and able leadership. An important part of that celebration was the Himes family, especially Bill's wonderful wife, Grace, who for the more than 64 years of their marriage has given the best possible support to Bill's work and has been a leader in her own right in the fire service community.

It is my privilege today to share with the Senate and with the nation the celebration of Bill Himes' 50 years as a firefighter, and of the countless contributions he and Grace have given so generously. The value of such citizens and of such friends cannot be measured in words, it can only be felt in our hearts. And from the heart, to Bill and Grace, I am proud to say thank you, from all of us.•

HUNDREDS OF BILLIONS WASTED ON INTEREST SPENDING

• Mr. SIMON. Mr. President, I rise today to direct the attention of my colleagues to a matter that has caused me

great anguish. An uncontrollable enigma, this ever growing interest on the Federal debt.

No other industrial nation except Israel spends as much on interest and on defense as we, the United States, do.

I have written about this topic with great fervor in a newspaper column that is appearing in dozens of Illinois newspapers this week.

Mr. President, without objection, for the benefit of my colleagues, I would like to reprint a copy of this newspaper column in the RECORD.

The article follows:

HUNDREDS OF BILLIONS WASTED ON INTEREST SPENDING

(By Senator Paul Simon)

Recently I read an article stating that the United States has the lowest rate of total taxation of any major industrial or Western European nation, with the possible exception of Greece.

One of the most highly respected, if not widely known, public officials. Robert Ball, who headed the Social Security Administration under Presidents Kennedy, Johnson and Nixon, recently wrote: "We are an undertaxed nation, hesitant as our political leaders may be to proclaim that fact. The International Organization for Economic Cooperation and Development tells us that some 30.1 percent of our Gross Domestic Product goes for federal, state and local taxes, including Social Security. Comparable levels elsewhere include 38.1 percent for Germany, 43.8 percent for France and 36.5 percent for Great Britain."

He adds that our relatively low taxes have been one of the reasons for our huge deficit which has harmed our economy, and he notes with accuracy: "Cutting benefits from Social Security—one of the few federal programs in surplus and one that plans ahead for adequate financing—is clearly not the way to address the problem."

But the good news that our taxes are lower than other countries (even though it may not feel like it), is balanced by another fact: No other industrial nation, except Israel, spends as little of the total taxes collected on the immediate needs of its people as does the United States.

But it another way: No other major industrial nation except Israel spends as much on interest (because of our reckless debt) and on defense as we do.

When the federal government this year spends roughly $300 billion on gross interest, and $290 billion on defense, most Americans see little benefit from that in their day-to-day living.

It is important to have a strong defense, but the other day one newspaper reported that Secretary of Defense Les Aspin wants to change defense plans to add 10 more submarines to the fleet. Why? We need to keep one submarine construction facility going, and we do need to maintain a minimum level of construction capabilities. But what is the great threat as this point? Why do we need 10 more submarines?

And our fiscal folly, which do President Clinton's credit he is addressing, means that the $300 billion we will spend this year on interest is 10 times what the federal government will spend on education, 40 times what we will spend on foreign economic non-military assistance, and twice what we will spend on all the domestic poverty programs combined. All of this illustrates why we need a constitutional amendment requiring a balanced budget unless there is an emergency.

Those who say that our taxes are lower than other nations are correct.

But it is also true that we should spend our money more wisely.●

GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993

● Mr. SASSER. Mr. President, S. 20, the Government Performance and Results Act of 1993, which was recently passed, presents us with an opportunity to improve the effectiveness of the Federal Government in addressing vital public needs. It offers an opportunity to demonstrate to the American people that government can work efficiently and effectively on their behalf for the public good.

We should be constantly looking for ways to improve congressional policymaking, spending decisions and program oversight by focusing on program performance and results. I think S. 20 is an important step in that direction. In assessing these results, however, we must concern ourselves not with just the effective functioning of individual agencies, but with the performance of the Federal Government as a whole.

The mission of Government is to use existing resources more effectively and efficiently to solve the problems we face as a nation. We have begun to recognize that many of today's problems no longer can be solved by individual agencies no matter how well they perform separately. Too many of the complex issues we deal with now cut across traditional classifications and are too wide-ranging to be addressed by a single agency.

As you know, Mr. President, S. 20 requires Federal agencies to establish 5-year strategic plans, setting forth explicitly their mission and long-term goals. I believe each agency should use the development of this strategic plan as a tool for improving cooperation with other agencies in addressing issues that can best be resolved through deliberate interagency coordination. Too often a lack of coordination between agencies results in wasteful duplication, inefficiencies and, ultimately, unwise use of public funds. There has been a lot of discussion lately about the notion of interagency cooperation and public/private partnerships, but it seems that these concepts seldom get beyond the realm of discussion and put into practice. This appears to be especially true in the area of natural resource management, despite a growing recognition that environmental and natural resource issues transcend man-made boundaries and are most effectively addressed in a much more cohesive and wholistic manner than has traditionally been the case.

There have been some notable successes in managing resources through interagency partnerships. Several good interagency programs have been developed with an ecosystems management approach in different regions of the country. Such projects demonstrate that strategic planning and cooperative approaches can indeed work effectively in addressing pressing public issues. For example, in the six-State region of the southern Appalachian, which includes my home State of Tennessee, we have a program called the Southern Appalachian Man and Biosphere Program or SAMAB. This program is dedicated to finding ways for developing a sound economy while maintaining and enhancing a healthy environment. Through SAMAB, Federal, State and local, and public and private institutions have developed innovative, cooperative approaches to ecosystems management and sustainable economic development. We still have a long way to go in these areas, but I believe SAMAB provides a useful model on a national and even international level.

In conclusion, I urge the Federal agencies covered by the Government Performance and Results Act of 1993 to used the opportunities it provides to include interagency coordination and public/private partnerships in their long-term strategic plans whenever such cooperation is possible and appropriate.●

NATIONAL DAY OF THE WORKING PARENT

● Mr. GLENN. Mr. President, I rise today in support of the National Council of Jewish Women's Day of the Working Parent. The National Council of Jewish Women [NCJW] has designated September 9, 1993 as the National Day of the Working Parent to bring attention to the needs of Americans who balance work responsibilities with the demands for caring for their families.

In 1989, NCJW initiated the work family project, a national public education and action campaign. NCJW believes that the public, private and volunteer sectors can work together to assure an adequate supply of high quality, affordable dependent care services and positive workplace policies which will help sustain a productive and viable work force.

Local NCJW organizations all over Ohio are planning a number of activities today. In Akron, over 2,000 boxes of information on child care and elder care will be distributed downtown and at four local hospitals. Cincinnati is distributing the same type of information to corporations and planning a breakfast at which the mayor will issue a proclamation. In Cleveland, they plan a resource fair on elder and childcare and distribution of boxes. Government officials from 50 municipalities around Cleveland will issue Proclamations. Columbus plans an event at the State House and Youngstown will distribute about 1000 boxes

and give awards to family-friendly corporations. In all it is expected that 7000 boxes will be distributed in my state. I applaud these efforts.

It is important that workplaces become more flexible to more effectively deal with the changing needs of workers with families. I was pleased that the Congress passed the parental leave bill last year and will be working on child care and programs for the aging population this session. Again I applaud the efforts of NCJW in calling attention to the needs of working families by declaring September 9, 1993 as the National Day of the Working Parent.●

ORDERS FOR FRIDAY, SEPTEMBER 10, 1993

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, September 10; that following the prayer the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1298, the Department of Defense authorization bill, and that Senator REID be recognized to offer his listed amendment relating to Gwen project and that upon disposition of the Reid amendment Senator LOTT be recognized to offer his listed amendment relating to delay of 95 BRAC.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:55 p.m., recessed until Friday, September 10, 1993, at 9 a.m..

EXTENSIONS OF REMARKS

CVN–76, THE NEXT NUCLEAR AIRCRAFT CARRIER AND IT'S IMPORTANCE TO OUR NATION

HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SCOTT. Mr. Speaker, I wish to address an issue raised by Secretary of Defense Les Aspin and the Chairman of the Joint Chiefs of Staff General Colin Powell when they unveiled the "bottom-up review." This review of our defense requirements outlined the administration's bold plan to meet the challenges we face in the post-cold war world.

It is obvious that the world is changing very rapidly in the wake of the collapse of the Soviet Union. Our national defense requirements are changing as well.

The United States faces new dangers that require new strategies. the post-cold war world will be highlighted by a wide range of nation states that are unstable and whose actions will be unpredictable.

As proven by the gulf war and as clearly enunciated in the bottom-up review, aircraft carriers are the centerpiece of our Nation's response to such regional conflicts.

Today I will speak about the need to maintain a flexible and capable carrier force. Specifically, I will address the need to fund CVN–76, the next Nimitz class aircraft carrier as soon as possible.

We here in Congress will play an important part in reshaping our military to meet the defense requirements of the next decade. Mr. Speaker, as a Nation, we are at an important turning point and the decisions we make this year on defense issues will help shape our armed services as we move into the next century.

In the past, Congress has been party to rapid downsizing of our military. After World War II, we dramatically reduced our Armed Forces and we did so very rapidly. We have found that after each major downsizing we have had to rebuild our forces to meet the continuing threats of a dangerous world.

Our Nation is again downsizing defense and it is important that we get it right! We must both gain from the victory in the cold war and still maintain a strong enough capacity to lead in the still dangerous world we face. These dangers are very clear when we think of what is now happening in places like the Balkans, Iraq, Iran, and North Korea. Nuclear proliferation, regional instability, and terrorism are but a few of the dangers facing this Nation. Some of these threats can be anticipated, but many cannot. In this environment, America needs to remain strong militarily. This can only be done if we have a modern, flexible, capable and mobile military force to meet all threats to our national security.

NAVAL POWER AND FORWARD PRESENCE

As our Nation continues to adapt to this changing international environment and the new kinds of dangers we face, it is important for Congress to help reshape our military forces to meet these new hostile challenges.

Clearly, the past 40 years of U.S.-Soviet nuclear confrontation are gone. Now we face a new world where regional conflict, ethnic wars, and economic competition are the rule. Further compounding these challenges is the fact that we are closing many of our bases overseas.

The Secretary of Defense has correctly stated that, in this environment, our national security strategy must give renewed attention to power projection, mobility and forward presence. We will need military forces that can move rapidly to meet any crises that endangers important U.S. interests. This can only be accomplished with a strong and well equipped Navy.

As Dr. Jacquelyn Davis of the Institute for Foreign Policy points out in her recently published monograph, "Aircraft Carriers and The Role of Naval Power in the Twenty-First Century:" "The routine deployment in key regional theaters of U.S. aircraft carriers could mean the difference between stability and crisis for people caught up in conflicts emanating from religious intolerance, ethnic rivalries, historical regional antagonism, resource disputes, or other conflict sources coming to dominate the post-cold war setting."

Ultimately, aircraft carriers are the instrument called upon most frequently when aggression must be stopped. More importantly, they are the diplomatic instrument used to contain conflict and prevent wars from breaking out in the first place.

We saw a clear example of the importance of aircraft carriers when Kuwait was invaded. Within 48 hours, U.S. aircraft carriers were in the region. Many people believe if the carriers were not there, Saddam Hussein may have invaded Saudi Arabia and quickly gained control of a huge portion of the oil reserves of the Middle East.

Mr. Speaker, very few people dispute the need for nuclear aircraft carriers. The core issue is quite simple. How many carriers are needed to complete the Navy's vital missions? Secretary of Defense Les Aspin and General Colin Powell make strong arguments that this Nation needs at least 12. However, I suggest no matter how many carriers we decide to maintain, the critical concern should be that these carriers are modern and capable.

As the newly elected Member of Congress from the Third Congressional District of Virginia, I have the privilege of representing the working people of Newport News, VA, and I have the privilege of having the largest and most capable shipyard in the world in my district.

Because I represent Newport News and because the issue of building the next aircraft carrier will be before the Congress soon, I have studied this issue very carefully.

I am sure, Mr. Speaker, it is no surprise that I support the aircraft carrier. It means hundreds of millions of dollars and thousands of jobs for the Hampton Roads area of Virginia. But that reason alone, is obviously not sufficient. There are strong arguments on the merits and I want to share with my colleagues some of the facts and some of the arguments which persuaded me that building CVN–76 is in our national interest.

The case for CVN–76 rests basically on four pillars: National security strategy; preserving the industrial base; cost effectiveness; and economic stimulus.

Mr. Speaker, each of these pillars has merit and I would like to outline briefly the arguments on each of these themes.

The first element is our national security. Aircraft carriers are a proven weapon system. Aircraft carriers have provided every President beginning with Franklin Roosevelt with an effective means of power projection and military force. Presidents Reagan and Bush used aircraft carriers in over 30 crisis situations, including the use of 8 carrier groups in the Persian Gulf war. Even President Clinton has found it necessary to deploy aircraft carriers in the first few months of his administration.

In fact, every President and every Secretary of State since World War II has come to appreciate the utility of the aircraft carrier as a crisis management tool; as an element of diplomacy; and, as we saw in the Persian Gulf war, a highly effective part of overall U.S. military forces in combat.

As Secretary Aspin stated in the bottom-up review, "The flexibility of our carriers, and their ability to operate effectively with relative independence from shore bases, makes them well suited to overseas presence operations, especially in areas where our land-based military infrastructure is relatively underdeveloped."

The aircraft carrier has been and continues to be a cost effective element of our national security strategy. We do not have many of them and they have to cover every important region of the world. They are probably the hardest working elements of our military forces. We expect our aircraft carriers to be forward deployed. We expect our sailors to spend 6 or 7 months at a time at sea—away from their families. It is for this reason that I believe our carriers should be the most modern and capable the Congress can provide.

A second element, Mr. Speaker, is that building CVN–76 is important as a means of preserving our U.S. industrial base—particularly our nuclear shipbuiling industrial base. Secretary Les Aspin last year published a paper on the defense industrial base and that study emphasized the precarious situation in the nuclear shipbuilding industrial base. The bottom-up review also illustrated the need to maintain this base.

If we do not build CVN–76 in the near-term, our ability to build an aircraft carrier in the future will be in jeopardy. This is not just my view. It is the view of the Navy Department which has testified before Congress many times. Even a 1-year delay in funding for CVN–76 will result in the loss of critical skills which will take up to 5 years to reconstitute via new hires and training. A longer delay could cause a permanent loss in the skills necessary to maintain our carrier force.

Mr. Speaker, a third important factor with respect to CVN–76 is the question of cost-effectiveness. Carriers last a long time. They have a service life of more than 50 years and their costs should be amortized over this half century of service. A lot of this kind of cost benefit analysis is impossibly complicated and technical. Some of it cannot be quantified. How do you measure the costs or the cost savings of the war that did not happen; you cannot measure the lives that were not lost; you cannot measure the economic hardship that did not happen because Saddam Hussein did not invade Saudi Arabia. These costs, or these benefits, are intangible in detail but they are nonetheless very real—and they are the reasons that the United States has been willing to shoulder the costs of a strong Navy in the past.

Mr. Speaker, there is another aspect of cost effectiveness that is important to consider. If we delay building a new aircraft carrier, the cost will go up. To delay funding from fiscal year 1994 to fiscal year 1995 will add an additional $300 million. A delay of 1 more year—to fiscal year 1996—would raise the cost by another $500 million dollars. Delay in building CVN–76 is not cost efficient. Funding CVN–76 as soon as possible is in the best interest of the taxpayer and it makes good business sense.

There is one more cost factor to keep in mind, Mr. Speaker, and that is that the costs of building another carrier are known and they are under control. Unlike so many other major defense programs where costs are really unknown, the costs of building the next carrier are certain. In fact, the man hours required to construct CVN–75 will be 19 percent less than the man hours needed to build CVN–71. Due to the learning curve, CVN–76 will be built more efficiently than any of its predecessors.

Finally, Mr. Speaker, the fourth pillar in the case for CVN–76 is an economic one—a jobs one—an economic stimulus one—and yes, a fairness one. There are tens of thousands of jobs hanging in the balance depending on whether we build CVN–76. There are more than 6,000 jobs involved just in my district. More important, there are many times more jobs involved around the country. In fact, there are suppliers in 43 States.

Mr. Speaker, I am also concerned that, if the carrier is not funded, a disproportionate share of the economic burden will fall on those who can least afford it. They are the skilled workers—highly trained. They are not minimum wage people. These are the hard-working people who are a critical part of the local community. And once these men and women lose their jobs, it is unlikely that equally high paying positions will be available. There is no reason for this to happen when their jobs are vital to our Nation. This country needs their skills and these people need their jobs.

Mr. Speaker, I don't believe jobs alone are a persuasive case for any defense program—even if a large portion of those jobs are in my district. However, as I have pointed out, there is a strong case for CVN–76 on the merits—on military, diplomatic and industrial base grounds. I urge my colleagues to consider these issues carefully. I am confident you too will conclude that building CVN–76 is in the national interest and should be supported.

THE CHINESE ECONOMY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, as this body was debating my resolution of disapproval of MFN for China recently, supporters of MFN argued that continued open trade with China was the only way to encourage reform there.

The argument went like this: MFN for China will mean freer trade with China; freer trade with China will encourage more market economic reform there; market reform will lead to political liberalization and the world will live happily ever after. Revoking MFN, proponents argued, would undercut capitalist reforms, encourage the regime to revert to more statist methods, and crack down politically.

Well, Mr. Speaker, it is absolutely intriguing that just weeks after these arguments prevailed, the Chinese Government has begun to resort to more statist methods and crack down politically.

On Friday, August 13, the Wall Street Journal reported that the Beijing dictatorship has closed 1,000 special economic zones that had been set up by local authorities. These zones, which offered tax and tariff breaks to encourage foreign investment, have been the scene of booming economic activity.

The Chinese Government says that the economy is overheated, and that these zones are the culprit. Of course, the way to cool an overheated economy is to rein in the money supply, but that would mean cutting the regime's favorite State-owned enterprises off the dole. The regime says further that these zones diverted money to "dubious projects," had limited chance of success and ruined some land. Translation: the Communist regime could not control this economic activity, and Communists are about nothing if not control.

I hate to say that I told you so, but I did.

[From the Wall Street Journal, Aug. 13, 1993]

CHINA SHUTS MANY SPECIAL ZONES

China closed 1,000 economic development zones that local governments had set up in booming coastal regions but that had contributed to an overheating economy.

About 1,200 of these special zones, offering preferential treatment such as tax and tariff breaks to attract foreign investors, had sprung up as local officials defied state rules and sought to cash in on China's economic reforms and rapid modernization. The cabinet had approved only 30 zones since the market-oriented experiment was begun in the early 1980s.

The closures followed a review begun in May as Beijing struggled to deal with the surging economy, which grew at a 12% annual rate in the first half, and to control inflation, which ran at a 12.5% pace.

The government decided that many of the special zones diverted money to projects of dubious value, had limited development prospects, and wasted or damaged land that could be used for farming. The shutterings reduced the total area dedicated to the economic zones to 640 square miles from more than 3,000.

75TH ANNIVERSARY VISITING NURSE ASSOCIATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate the Visiting Nurse Association on their 75th anniversary. The Visiting Nurse Association was a virtual pioneer in home visitation for sick and elderly persons who either could not afford extended hospital care, or who simply needed follow-up health care. For 75 years this association has remained a nonprofit organization helping all those in need of medical attention.

I commend the Visiting Nurse Association on their 75 years of public service, and I would personally like to thank both Dr. J.W. Buesser and Joseph Lowery for all of their outstanding efforts and preparations which I am certain will make this 75th anniversary celebration one to remember.

I urge my colleagues to help me extend a warm congratulations to this wonderful association. I hope the Visiting Nurse Association continues its public service, and will celebrate many more successful anniversaries in the future.

A NEED FOR BALANCE IN RESOLVING WETLANDS ISSUE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the August 26, 1993, Lincoln Star, regarding the Clinton administration's wetlands proposal. As the editorial states, while wetlands are indeed a valuable natural resource, the rules protecting them should not be oppressive for farmers.

[From the Lincoln Star, Aug. 26, 1993]

SOUND WETLANDS POLICY

President Clinton's understated wetlands proposal deserves a more emphatic reception.

Its nod toward farmers ought to defuse a land-use time bomb that threatened to destroy wetlands protection on private land.

All-or-nothing environmentalists feel cheated by the prospect of giving landowners more control over use of wetlands on their property, including the exemption of wetlands drained for farming before 1985. But it was a prudent move.

The issue was marching toward the courts, where wetlands protection would be hurt by

a ruling that denial of a permit to develop wetlands amounts to an unconstitutional taking of property. On other environmental issues, notably coastal development, courts have found that environmental regulations on private land are a violation of the Fifth Amendment. This has been a particularly potent weapon restricting the government's ability to protect sensitive habitat on private land.

Just as landowners deserve compensation for putting aside private land deemed in the public interest, there's no reason that farmers, particularly, must bear the economic cost of our collective social conscience. Nor will the world end should farmers drain some potholes.

Environmentalists ought to get a grip. The radicalism at this movement's fringes is alienating landowners of good will.

A test of the success of Clinton's plan is that it has drawn criticism equally from environmentalists as well as development and mining interests. The broad American middle approves of protecting recognized national assets, but recoils from draconian government.

Environmentalists can take comfort from other parts of the president's proposals, notably the protection of Alaskan wetlands and the closing of loopholes that allowed developers to build shopping malls and housing in certain wetlands areas.

More suspect is the endorsement of a mitigation bank, allowing developers to destroy wetlands if another wetlands is created. While the idea sounds good on paper, artificial wetlands creation lacks supporting scientific evidence. There may be more to wetlands than flooding some otherwise dry ground.

With this in mind, it's wise to prudently preserve wetlands. They have intrinsic value as wildlife habitat, ground-water purifier and flood control.

BAN RETROACTIVE TAX INCREASES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HERGER. Mr. Speaker, today I have introduced legislation to prohibit enactment of retroactive tax increases. The outcry that met this year's budget reconciliation legislation resulted in part, I believe, to the public's outrage at Congress changing the rules in the middle of the game.

I believe there is a fundamental question of fairness which is raised when Congress backdates tax increases. American families and businesses plan their financial affairs based on laws they know are currently in effect, or which they have an assurance will be in effect during a given year. They should not be forced to play the role of a political pundit in estimating what tax liability they might face should Congress change tax laws during the current tax year.

My legislation would permit the public to make their plans in accordance with current tax laws by preventing the implementation of changes in tax laws until the tax year following adoption of the change. This would end the practice of Congress imposing surprise tax increases on the public.

Because my legislation applies only to future changes in tax law, it has no revenue impact. I believe the issue of ending retroactive taxation is important enough that the emotions raised in this year's tax battles should not overshadow the basic principle that backdated taxes are unfair.

Mr. Speaker, I believe this proposal is also necessary as a re-affirmation of the constitutional prohibition against ex post facto laws. When Congress imposes retroactive tax increases, I believe it undermines the spirit of the Constitution, which says American citizens should not be subjected to laws prior to their date of enactment.

Americans are disillusioned with Congress because they do not believe that Congress is listening to their concerns. By responding to the public outcry against retroactive taxation through adoption of this legislation, I believe we can begin restoring public confidence in the fairness of our Federal institutions.

B.J. GAVIN HONORED AS A FINALIST IN THE NATIONAL D.A.R.E. POSTER CONTEST

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. YOUNG of Florida. Mr. Speaker, it is a pleasure for me to congratulate B.J. Gavin, an 11-year-old constituent from St. Petersburg, for being honored in our Nation's Capital this week as a finalist in the National D.A.R.E. poster contest.

D.A.R.E., which stands for Drug Abuse Resistance Education, is an outstanding national drug education and prevention program which my colleagues and I in the House have strongly supported over the years. It brings together in our schools students, teachers, police officers, and parents to teach our children to say no to drugs.

The theme of B.J.'s poster, which was judged the winning entry in the entire Southeastern United States, is "Don't let drugs build a barrier between you and success." It features a three-dimensional brick wall to emphasize to his fellow students that no good can come from drug use and abuse.

It was a pleasure to visit with B.J. this week and to share the pride of his parents Lt. and Mrs. Tom Gavin, and his teacher Carol Sheehan, and his fellow students.

Mr. Speaker, I also want to applaud the efforts of the officers of the St. Petersburg Police Department who are active participants in this effort. In particular I want to thank Officer Alathia Smith who was B.J.'s D.A.R.E. officer and whose enthusiasm for the program encouraged B.J. to enter the contest and for B.J.'s classmates to say no to drugs.

Every one of us must constantly reaffirm to our children the message of B.J.'s poster, that no good can come from the use and abuse of drugs. Through efforts such as those being made in our schools by the St. Petersburg Police Department, and police departments throughout our Nation, we can be sure that the message of the D.A.R.E. program is heard and understood by every student. There is no greater goal to ensuring that our children remain on the path to success.

A TRIBUTE TO BOB AND DORIS MATSUI

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. HARMAN. Mr. Speaker, I rise to place into the RECORD today an article in last Sunday's New York Times about two wonderful friends—Bob and Doris Matsui. Washington may be buzzing about how this power couple is working together to pass NAFTA, but I know that out of the limelight the most powerful thing about them is their warmth and friendship. And though I disagree with them about the trade agreement, it is thrilling to see them work. I have no doubt that if you look up Synergy in the dictionary, it says "See Matsui, Bob and Doris."

Sunday's Times article captures the thoughtfulness, compassion and humor that defines both their professional and private lives, and I am pleased to submit this article for the RECORD.

[From the New York Times, Sept. 4, 1993]

TRADE AGREEMENT PUTTING COUPLE IN THE LIMELIGHT

(By Keith Bradsher)

Washington, Sept. 4—Maybe it was the August blue moon, but romance and policy making, it seems, are suddenly in convergence.

Representative Bill Paxon proposed on the House floor last month to a fellow New York Republican, Representative Susan Molinari. (She accepted.) Senator Bob Dole this summer filibustered a national service plan backed by his wife, Elizabeth Hanford Dole, the president of the American Red Cross. Mary Matalin, the political director of the Bush Presidential campaign, announced her engagement to Bill Clinton's chief campaign strategist, James Carville, during her cable television talk show a couple of weeks ago.

But aside from the Clintons, no political couple may be so prominent this autumn as Doris O. Matsui and her husband, Representative Robert T. Matsui. They have emerged as the season's hot couple because they are campaigning from opposite ends of Pennsylvania Avenue for the latest hot issue, the North American Free Trade Agreement.

Mrs. Matsui is a White House deputy director of public liaison in charge of rallying grass-roots support for the accord. She must figure out how to explain to business groups and the public why they should love the agreement, which, if approved by the House and the Senate, will gradually eliminate trade and investment barriers among Canada, Mexico and the United States.

DIVISION IN HOUSE

Mr. Matsui, a California Democrat, is the chairman of the House Nafta Liaison Group, a bipartisan coalition of 30 legislators who favor the deal. The liaison group has become important because the 60 Democratic whips whose job it is to round up votes in the House on important legislation are deeply divided on the issue, while Representative David E. Bonior of Michigan, the chief Democratic whip, is using the staff, computers and other resources of the whip's office against the agreement.

Mr. Matsui is now trying to create a new whip organization from scratch, turning the liaison group into a team that can count votes accurately and put pressure on wavering members when the final House vote comes, most likely in early December. "You basically pick like-minded people" for the group, he said. "This is really going to be a member-to-member operation."

Seven years ago, Mr. Matsui set up a similar temporary whip organization for Representative Don Rostenkowski, chairman of the House Ways and Means Committee, to push an overhaul of the tax laws through Congress, when the Democratic leadership was similarly fractured.

The Matsuis' campaign this year is already producing some odd coincidences. When 100 top retailing executive came to Washington several weeks ago to lobby for the agreement, for example, they headed first to the White House for a pep talk from Mrs. Matsui, Treasury Secretary Lloyd Bentsen and Mickey Kantor, the United States Trade Representative.

TAG-TEAM EFFORT

Two hours later, the same executives attended a lunch on Capitol Hill before fanning out to lobby senators and representatives from 20 states. The speaker at the lunch was Mr. Matsui.

"It was really a tag-team effort" by the couple said Robin W. Lanier the lobbyist who arranged the executives' visit.

The Matsuis' link has also proved a little awkward at times. During the spring and summer, Mr. Matsui occasionally criticized the Administration (and implicitly his wife) and business leaders for not taking the political risk of pushing the agreement more aggressively.

Mr. Matsui said on Thursday that he was now satisfied with the White House's current efforts, which will expand further in coming weeks.

The Matsuis and the Administration say the agreement would create American jobs by eliminating Mexico's barriers to American exports. Opponents contend it would move jobs and polluting factories to Mexico, where wages are low and enforcement of environmental laws is lax.

GROUPS OPPOSING ACCORD

Mr. Matsui's outspoken advocacy of the agreement has won no friends in several traditional Democratic constituencies, including labor, environmental and consumer groups that are opposing the agreement.

"Matsui sounds more and more like a Republican, and he's carrying water for the corporations that are pushing the same deregulation agenda that the Republicans are," said Craig A. Merrilees, the director of the California Fair Trade Campaign.

The free-trade agreement's opponents have threatened to unseat some representatives if they vote for the accord. But Mr. Matsui has received no such threats because the redrawing of Congressional districts after the 1990 census left him representing downtown Sacramento, where only 23 percent of the voters are registered Republicans.

"He has one of the safest districts in the state, and that makes it difficult to oust him—much as I'd like to," said Craig K. Powell, chairman of the Sacramento County Republican Party.

Mr. Powell said any serious threat to Mr. Matsui could only come in a Democratic primary. But the free-trade agreement has stirred limited interest among Sacramento's government workers, who would be less affected than manufacturing workers, while labor unions are generally less influential in California than in other states.

Environmentalists also tend to be weaker in Sacramento than along California's coast, said Bruce E. Cain, associate director of the Institute for Government Studies at the University of California at Berkeley.

AN ADVANTAGE IS SEEN

Opponents of the agreement warn that the Matsui marriage may give the Administration a small edge in coordinating its push for Congressional approval.

"It's to their advantage," Mr. Bonior said. "They're lovely people and I wish them all the bad luck in the world on this issue. It's probably not a great help, but they talk, they share information."

Yet in a town where policy wonks spend hours at dinner parties discussing the political arithmetic and economics of trade agreements, the Matsuis are not sure they have an advantage at all.

The Matsui marriage is nonetheless becoming a favorite subject of gossip in Washington trade circles. Few ethical questions have been raised.

A former ethics official in the Bush Administration said the Matsuis did not appear to violate any Federal laws because neither of them had a financial stake in the agreement's fate. "There's no private interest here," the official said.

Charles R.E. Lewis, executive director of the Center for Public Integrity, a research group here, said the Matsuis were unusual because "normally with these spousal things, they rarely work on the same issue."

But Mr. Lewis, an outspoken critic of the Mexican Government's lavish lobbying on behalf of the deal, said the arrangement did not create an image problem. "There are a lot of things I object to, but this probably isn't one of them," he said.

The White House is assembling an interagency group to try to persuade Congress to approve the agreement this fall. William M. Daley, named by President Clinton on Aug. 19 to lead the group seeking passage, said he saw no problems in the Matsui combination and did not foresee any need to move Mrs. Matsui to another issue.

"If they don't see that as a problem, I don't—she's very talented," Mr. Daley said.

For Mrs. Matsui, who has served on community service organization boards for many years, the current struggle offers a chance to emerge as a Democratic political operative in her own right. For Mr. Matsui, House passage of the agreement could propel him a long way toward eventually becoming chairman of the Ways and Means Committee, a job now held by his mentor, Representative Dan Rostenkowski of Illinois.

Mr. Matsui is the committee's eighth-ranking Democrat now, but at 51 years old he is a decade younger than most of the members ahead of him. While he refuses to discuss his political future, he acknowledges that the issue "gives me a visibility that I did not have or would not have had on this committee."

The Matsuis have faced a difficult battle this year, with scant support until recently from President Clinton. Opponents and defenders alike predict the Senate will approve the agreement, but a splintered House Democratic Caucus has cast the future of the accord in doubt.

The Speaker of the House, Thomas S. Foley of Washington, leans toward supporting the agreement but said two weeks ago that the chamber's Democratic leadership was too divided to set a party line on the vote. The majority leader, Richard A. Gephardt of Missouri, the second-ranking Democrat, leans toward opposing the agreement.

SIMILARITY OF VIEWS

Yet, after 26 years of marriage, the Matsuis seem well matched for an uphill political struggle, with no policy differences that they can recall. "I'm sure we have differed, but we probably forgot about them," Mrs. Matsui said. "We've been married a long time."

But their new roles have exposed a few differences on political tactics. Asked about the Administration's priorities this fall, Mrs. Matsui started with health care, mentioning that all 15 employees of the White House public liaison office would be working on the issue this fall.

Mr. Matsui quickly leaned forward on the flowery couch, unable to contain himself. Interrupting his wife with a gesture, he complained to a visitor, "I can't even get her to say she'll make Nafta No. 1!"

A SPECIAL SALUTE TO W. GERRY WHITLOCK OF BELCHERTOWN, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to W. Gerry Whitlock. Mr. Whitlock is retiring as the executive secretary of Belchertown, MA. He has served Belchertown for 34 years, first as a town selectman and then as the executive secretary. Throughout his career he has fought tenaciously to benefit the town.

Gerry Whitlock's friends call him a public servant by career, but a farmer at heart. His generous spirit has shown in his service to both the young and the old as an active supporter of the town's schools, and its senior center. Before he began to serve his town, he served his country in the U.S. military. Mr. Whitlock has had a rich home life as father to five children, and now as a grandfather. On behalf of the residents of Belchertown, I wish Gerry Whitlock a fulfilling and relaxing retirement. I know that I speak for many in saying I am also glad that Mr. Whitlock intends to continue his service to Belchertown. I ask my colleagues to join me in saluting Gerry Whitlock's distinguished career as a selectman and the executive secretary of Belchertown.

TRIBUTE TO AL NAGLE

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to recognize Mr. Al Nagle, a most worthy gentleman from Schuylkill County, PA, who should have been the 29th State senatorial district's representative to the Pennsylvania Senate in 1964. I say should have been because Senator Nagle never had the opportunity to serve in our State's Capitol. Instead, Mr. Nagle spent 2 years and too many dollars out of his personal savings in order to prove to the Pennsylvania Supreme Court, the Pennsylvania Senate, and the Republican Party the truth

the men and women of his district already knew. Mr. Nagle clearly won his election by nearly 800 votes. It is now time for Al to receive the praise and gratitude he truly deserves.

I believe Mr. Nagle would have had an outstanding term as senator. In fact, his only regret is that the people of his district were not represented for those 2 years. It is truly a shame that Al was never able to bring his plans to improve his community to fruition. Mr. Nagle desired to bolster his area's infrastructure, to provide universal access for students to college and other forms of higher education, and to build geriatric centers for the aged and infirm. With his strong background in labor as president of the Schuylkill County AFL–CIO and his involvement in various charitable organizations such as the Schuylkill County Heart Association, the American Legion, and the Association for Retarded Persons, Al understood first hand the problems which afflicted his area, and he knew how to solve them.

I know my colleagues will join me in honoring Al as the truly devoted public servant that he is. Mr. Nagle continues to serve his community as the postmaster of Auburn, PA. I can do nothing but admire a man who still firmly believes in the superiority of our democratic form of Government even when he has been exposed to its less than admirable underside. Mr. Nagle's commitment to Government and his unshakable faith in the ideals of this country should serve as an example to every civic minded American citizen.

TRIBUTE TO INTEL CORPORATION CHAIRMAN AND CEO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. ESHOO. Mr. Speaker, I rise today to salute two pioneers of American industry, Dr. Gordon E. Moore, the chairman of Intel Corp., and Dr. Andrew S. Grove, Intel's president and chief executive officer. These two visionaries, along with the late Bob Noyce, have seen Intel Corp. evolve from its inception 25 years ago with an initial $3 million in venture capital to its preeminent position today as the world's largest semiconductor manufacturer with close to $8 billion in revenues. In so doing, they have led a revolution in global technology that has truly changed the way in which we live.

Gordon Moore and Andy Grove are being honored on the occasion of Intel's 25th anniversary this Saturday, September 11, 1993, by the American Electronics Association, which itself is celebrating its 50th anniversary. Over 1,200 people are expected to attend and honor the leadership of Gordon Moore and Andy Grove. On behalf of the people of the 14th Congressional District of California, and the Members of the House of Representatives, I want to commend the innovation and dedication exemplified by these two leaders; the kind of innovation and dedication that will lead this Nation into the 21st century.

Mr. Speaker, Intel Corp. and its leadership are proud of their achievements and their continued desire to be at the forefront of their industry. This year alone, under the guidance of Gordon Moore and Andy Grove, Intel is investing $1.6 billion in capital plant and equipment and $900 million in research and development. With their eyes on the future, and a record of unparalleled success behind them, Gordon Moore and Andy Grove are working to insure that Intel remains a premier global corporate leader providing quality jobs, superior products and continued growth for our Nation's economy.

Mr. Speaker, I am proud to bring these two outstanding industry leaders to the attention of the House and I ask you and our colleagues to join with me in expressing our appreciation.

CONGRESS PAYS TRIBUTE TO MICHAEL J. ROCK, RESPECTED PUBLIC SERVANT FROM UPSTATE NEW YORK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, one of the finest public servants I've ever known recently retired, and I'd like to say a few words about him.

Michael J. Rock is one Democrat I've never hesitated to praise, because he has distinguished himself from his first day in office.

Mr. Rock was appointed to the Rensselaer County legislature in 1975 when Cornelius Ryan died. His county district covered East Greenbush, North Greenbush, and Rensselaer, which I represented as a congressman until this year. Mr. Rock was a valued member of such standing committees as Public Safety, Law Enforcement and Judiciary, Public Utilities and Environmental Planning, and Social Services, as well as the Rensselaer County Fire Advisory Board.

I'll always remember him as a stalwart supporter of veterans, youth, and seniors issues. He played an important role in establishing Vietnam and Korean War memorials in the county.

He is a veteran himself, having served in the U.S. Army during the Korean War.

With his county seat and his job as an engineer with Amtrak, Mr. Rock's time was at a premium. Nevertheless, he found time to be active in St. Mary's Parish Council, the Holy Name Society, the Melvin Roads Post of American Legion, the Disabled American Veterans, the Korean War Veterans Association, the Cardinal Spellman Council of the Knights of Columbus, the LaSalle Institute Fathers Club, and the Ancient Order of Hibernians. He also served as a manager and coach in the local little league.

Like many men who give so willingly of themselves to their communities, Michael Rock was also a devoted family man. He and his wife, the former Catherine M. Shaw, are the parents of four children.

His peers thought highly enough of him to elect him vice-chairman of the county legislature, and to re-elect him in 1989. He announced this year that he would not seek another 4-year term. He is retiring to take advantage of his Amtrak pension.

And while all who know Michael Rock can wish him well, we hasten to add that it's not going to seem the same without him in the county legislature.

Mr. Speaker, I would ask you and all members to join me in tribute to Michael J. Rock, a good railroad man, a good family man, a model public servant, and an outstanding American.

TRIBUTE TO SAM MUCHNICK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to wish Mr. Sam Muchnick a very happy 88th birthday. Mr. Muchnick is a native of East St. Louis, IL and a legend in the St. Louis metropolitan area, known both regionally and nationally as a promoter of professional wrestling. Mr. Muchnick is also well known in my district for his many accomplishments made while serving as the president of the National Wrestling Association, and for his work on behalf of the young people over the years.

It is with great pleasure, that today I am able to wish Mr. Muchnick a happy birthday from our Nation's capital. Mr. Muchnick is truly a model citizen, and it is for this reason that I urge my colleagues to help me extend to him, on this day, a warm birthday greeting.

BEWARE OF FAULTY HUNGER STATISTICS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, there are many hungry children in America, but they will be hurt, not helped, by fabricated statistics about their numbers. The following editorial from the Omaha World-Herald of August 24, 1993 points out the errors inherent in a Tufts University study which purported to find that 13 percent of the U.S. population is hungry, including 62,000 children in Nebraska. Continued use of such discredited figures hinders the effort to design appropriate policies to end the real hunger in America.

[From the Omaha World-Herald, Aug. 24, 1993]

HUNGER NUMBERS FALL APART, STILL USED TO DEFEND STUDY

Hungry children. The words have special force in American society.

But often the specter of hungry children is misused to drum up support for more social spending. For that reason, any study that purports to have found wide-spread hunger in America should be viewed cautiously.

One such study recently produced the claim that, in Nebraska alone, 62,000 children suffered physical or psychological damage because they didn't have enough to eat. A World-Herald editorial pointed out that researchers didn't interview hungry people or attempt to count them. They merely massaged government statistics and survey results, and, wonder of wonders, the figures materialized.

The researchers, based at Tufts University, responded to the editorial with a Public Pulse letter defending their methodology.

But in the past few days skeptical voices have been raised at the Heritage Foundation, a conservative think tank. One of its experts on hunger and nutrition, Robert Rector, said the Tufts study proves nothing about hunger in America.

A Tufts administrator, Larry Brown, again defended the university's methodology. But then he said something remarkable. He conceded that the actual number of hungry people might be only half the 30 million figure on which Tufts based its study.

A study with a margin of error that great is meaningless.

Tufts based its conclusions on a 1992 survey by Kraft Foods. The pollster had interviewed 1,000 Americans, asking them, among other things, whether they knew someone who didn't have enough to eat at some time in the previous year.

About 13 percent said yes. The pollster took 13 percent of the nation's population and declared that about 30 million people were hungry. Tufts broke the figure down to the 50 states, assuming on the basis of census information that 12 million of the 30 million were children and that they were distributed in the population in the same proportion as low-income families.

That's how Nebraska came to be identified as the home of 62,000 hungry children. That's how the myth got started that one of every six kids in Nebraska up to age 15 is hungry regularly.

"None of these studies has the least shred of scientific reliability," said Rector. "There's no evidence whatsoever that these people are nutritionally deprived." Government food-consumption figures, he said, show that low-income people are being fed at almost the same rate as the general population.

So frequently have Americans been force-fed stories of hungry children that they sometimes begin to believe that America is heartless. They need to remember that sometimes the stories are weapons, wielded by zealots in a campaign to expand welfare programs. They need to remember that zealots sometimes think nothing of using discredited figures.

REMARKS CONCERNING ELIGIBLE PERSONS WHO FORMERLY RECEIVED PHARMACEUTICALS, BUT NOW HAVE BEEN DENIED EASY ACCESS BECAUSE OF THEIR ZIP CODES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HALL of Texas. Mr. Speaker, recently, many of my constituents and others could easily receive their pharmaceuticals at Carswell Air Force Base, and with very little notice, they were informed that a catchment area had been designated around Carswell. For those who do not know what a catchment area is, it is the legal boundary which surrounds a military treatment facility and is used to determine the requirement for nonavailability statements for Champus beneficiaries. In other words, it is an area where certain citizens are deemed eligible for pharmaceuticals, and those outside that area were given significantly different treatment.

The problem is, persons who are eligible to receive pharmaceuticals, but who are not necessarily Champus eligible, because they are over age 65, are barred from entering the 40-mile radius for pharmaceuticals because their ZIP Codes are not acceptable for current eligibility to enter this zone.

A person is eligible for Champus until age 65 and then the person transitions to Medicare. The benefits are not nearly so attractive under Medicare.

Military retirees have been able to obtain pharmaceuticals at military facilities, and therefore, not having to rely on Medicare. But those who had easy access to pharmaceuticals in the Carswell area have had the door closed on them. Those retirees and other eligible persons who are fortunate enough to live within the 40-mile radius are indeed privileged as they still have pharmaceutical benefits, but now at designated drug stores in this catchment area.

Even though an eligible retiree might live across the street from one of these drug stores, he or she has been told they cannot partake of the pharmaceutical benefits because they do not have the right ZIP Codes.

I would like to see our eligible retirees, nationwide, able to share in the benefits provided by DOD. I would like to see their privileges restored. I would like for all members and former members of our uniformed services provided with these pharmaceutical benefits.

I want to point out this amendment is to make it possible for our eligible retirees to obtain their pharmaceuticals by mail. This amendment would not add on new, or additional participants. Of course, if additional folks fall under the same exclusion in the future, they would have the same privileges.

We are talking about those citizens who are already eligible, those who have had their benefits removed, taken away, overnight, as it were, by a demonstration project within a 40-mile, 5-digit ZIP Code area, as designated by others, which now excludes them. We are talking about older members who need medications, have limited financial resources, and now must find a way to travel, sometimes 4 or 5 hours for medications that they used to be able to obtain easily and, for some, practically across the street.

There is a feeling of concern, frustration, and of being left out, and obviously, this situation is unfair.

The majority of these retirees would be grateful and satisfied with a system that would provide their pharmaceuticals by mail, and of course, by use of a card at their local drug store or pharmacy.

Mr. Chairman, and colleagues, please remember, these beneficiaries have served our country—sometimes in as many as three wars. These are the ones who have suddenly found that because they reside outside a boundary line arbitrarily drawn around a base closure site, they are left without a pharmacy benefit. This boundary lockout causes extreme hardship on those who can least afford it.

I believe it is wrong to penalize those eligible beneficiaries simply because of the geographical location of their residence and a 5-digit ZIP Code.

To say it another way, to provide equality and fairness, please allow these eligible folks to receive their badly needed pharmaceuticals by mail or by a card, presented to a pharmacy or their local drug store.

This is simply the right thing to do.

TRIBUTE TO COL. CASMIER JASZCZAK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SPENCE. Mr. Speaker, it is my honor to rise today to pay tribute to a dear friend Col. Casmier Jaszczak, the Chief of the Air Force House legislative liaison office for the past 2 years. Colonel Jaszczak is leaving the Hill for new duties and will be missed by all who had the honor to work with him.

Cash, as he is affectionately known to his friends, was an invaluable asset to both the Air Force and Members of Congress. To his credit, he worked each and every Member's issue—no matter how trivial—with competence and commitment.

In working with us, Cash has also helped us to better understand the role airpower can and will play in the security challenges and conflicts of the post-cold war era. His experience as an aviator, his personal and political skills, and his honesty made him a trusted advisor to all of us and justifiably earned him our undying respect and admiration. I will miss his wise counsel.

Cash has had a distinguished career as a fighter pilot, culminating in his command of the 4404th Composite Wing during Operation Desert Storm. While I have the highest regard for Cash's unquestionable courage and skill as a "fighter jock," those of us who know him personally will also remember him for his infectious sense of humor, his uplifting spirit, his love of the Air Force, and his devotion to friends and family. Cash is the role model citizen soldier.

I am certainly going to miss Cash as he moves on to a new assignment and new challenges and wish only the best for my friend who, in his brief tenure here, has positively impacted so many of our lives. I wish Cash, his wife, Marilyn, and his children, Leah, Charles, Janelle, Renee, Elizabeth, and Mark all the very best. Good luck and God bless.

KANSAN WINS VFW VOICE OF DEMOCRACY COMPETITION

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SLATTERY. Mr. Speaker, I am proud to report that Ronda Grogan of Fort Leavenworth, KS, is one of this year's winner of the Veterans of Foreign Wars' Voice of Democracy Scriptwriting Competition and Scholarship Program.

Each year thousands of students from across the United States and its territories participate in the VFW's contest. Ronda was selected as the winner of the competition from the Panama Canal.

Ronda's essay, "My Voice in America's Future," is a statement about the freedoms and responsibilities we enjoy as Americans, and the pride she has for her country. I would like to commend Ronda on her consideration and articulation of her ideas on these important issues; and congratulate her on the achievement of winning the Voice of Democracy contest in the Panama Canal.

Ronda's essay is reprinted below:

MY VOICE IN AMERICA'S FUTURE

(By Ronda Grogan)

"Congress shall make no law abridging the freedom of speech or of the press, the right of the people peaceably to assemble, and to petition the government for a redress of grievances." This is the first amendment in the Bill of Rights. The founding fathers of the United States felt that these rights, these freedoms were so important for the future of the country, they placed them first in the Bill of Rights. Using the Bill of Rights, Susan B. Anthony fulfilled her ideas. She had ideas of equality, equality for women. Through her protests and complaints, she led the movement which gave the women of the United States the right to vote and many other rights. Like Susan B. Anthony, Dr. Martin Luther King, Jr. fought for an equality, too, the equality of mankind. He assembled men and women sharing his ideas and beliefs. Together they marched, making their voices heard, bringing upon us the dawn of understanding and equality in law. The list of these people who have used the rights granted them is long. These are the people who have helped mold America into a true democracy, the democracy of today. They accomplished this task by making voices heard. I too am granted the power they used. As a United States citizen, I have the right of free speech, the freedom to assemble peacefully, and the power of Congress to help me make my voice heard.

A definition of freedom is a particular privilege or unrestricted use. In the first amendment, we have been granted the particular privilege to speak our ideas unrestricted. By letting our ideas be heard, we are using this privilege. To hide our ideas is to abuse this freedom, to become speechless or struck dumb. I would hate to become speechless. Even if my idea is no greater than what color I think my shirt should be, it is still important. My pride is involved, as is my heart. To have my idea used, makes the shirt more personal and my pride in the shirt causes me to wear the shirt more often. If an idea of mine was used in a law, I would be less likely to break that law, for in a way, it is my law. A truly dumb person cannot speak a word. A lack of communication isolates them in their own world. For some, it is a world of horror. No one being able to hear them, alone. So it can be also, if you do not express your ideas. Your narrow world is filled with only you and a few others. The freedom of speech is a particular privilege bestowed upon us, and I intend to use it.

To calmly collect or gather together in one place for a common cause or purpose, this is another freedom of expression the first amendment grants us. Dr. King's march on Washington was a demonstration of this. Even controversial groups and ideas are protected by this portion in the first amendment. Our Constitution allows for no discrimination. Recently the pro-life and pro-choice groups have demonstrated this right. Pickets, gatherings, and pamphlets have filled the campaigns of these two groups. If the communist party were to march on Washington, no arrests would be possible as long as it remained peaceful. Many teenagers enjoy walking down a mall and just looking. They have the right to do so without the fear of being removed from the premises. This right protects everyone of us, and peace is brought about through this liberty.

If I have an idea I think would be beneficial to the government, I have the authority to write to my Congressman informing him of my idea. My Congressman must listen to my idea, for he is there for that reason alone, to present the ideas of the people and to vote on behalf of the people he is representing. To do anything other than his duty is to betray the people who voted him into office. With this knowledge I would be foolish not to object for fear of being scorned. The Congressman cannot scorn me, that too would be foolish, for that is one lost vote. If a city were to section off a certain area for a dumping ground of toxic chemicals, the only way the people of that area could get the government to open the area is to petition them. Write a letter stating why they do not want this dumping ground in their neighborhood and having a certain number of people sign it. The dumping ground will not be moved without someone telling the city they don't want it there. Without letting their voice be heard.

My voice in America's future is a strong one. Without it my pride in my country would decrease, almost becoming nonexistent. I know this and so will keep my voice heard. My country needs my input to stay a true representative democracy. It is my duty, my moral or legal obligation to let my voice be heard, to help shape my town, so that it can help build my state, that my state can help make the United States of America.

A SALUTE TO THE KOREA FESTIVAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. ACKERMAN. Mr. Speaker, today it is my pleasure to share with you plans for the Festival of Korea, an unprecedented year-long celebration that promises to be the largest single program of Korean cultural events ever presented in the United States.

The Festival of Korea is designed to broaden American understanding of the richness and variety of Korean culture and contemporary life. It will bring outstanding performances, films, symposia and other exciting events to cities across the country, and will also host eminent statesmen from both Korea and America, as well as scholars and business leaders.

I hope that the entire Nation will join in celebrating the Festival of Korea by proclaiming a Korea Day on October 3, 1993. This day is recognized officially in Korea as Korea Foundation Day. The establishment of "Korea Day" in our country will help recognize the vital heritage of Korean-Americans throughout the United States and the positive contributions they have made to the American cultural experience.

The Festival of Korea will open officially in New York City with colorful performances of classical music, dance, and masked dance drama at the Lincoln Center for the Performing Arts on September 25 and 26, 1993. Sponsored by the Asia Society, the performances will next travel to the Lisner Auditorium at George Washington University before embarking on a tour across America. As a collaborative effort between the Asia Society and several other cultural institutions, the festival will unfold in at least seven major cities including Washington, DC, Los Angeles, Houston, Atlanta, Chicago and Seattle. I am especially pleased to inform you that Washington, DC was chosen as one of only three American cities to host an extraordinary exhibition of 18th century Korean art treasures, many of which have never been seen outside of Korea.

The Asia Society, long committed to public education on Korea, is ideally suited to bring Korean culture to the forefront of American national attention. The society is a leader in its dedication to increasing American understanding of Asia and to fostering knowledge and communication between Asians and Americans. With headquarters in New York and regional centers in Washington, DC, Houston, Los Angeles and Hong Kong, the Asia Society provides a forum for intellectual exchange through its varied and distinguished programs at its centers on college campuses and cultural centers across the country.

For over 30 years, the Korean Association of Greater New York has been a recognized leader and role model for all Korean-American organizations in the United States. For the 300,000 Koreans living in the New York metropolitan area, it serves as the umbrella organization for over 1000 professional, trade, educational and religious organizations. The Korean Association endeavors to support and further the dreams and aspirations of all Korean Americans by working closely with other Korean and non-Korean ethnic organizations to foster mutual growth and understanding.

I would especially like to thank Mr. Jae Taik Kim, President of the Korean Association of New York, for his outstanding work in bringing the Korean community together in my State.

Ambassador Nicholas Platt, after a distinguished diplomatic career, a great deal of it devoted to Asian affairs, has done a magnificent job as president of the Asia Society, continuing that organization's fine tradition of disseminating knowledge about a region with which the United States will be increasingly engaged through the 1990's and into the 21st century.

Mr. Speaker, we look with pride to the upcoming Festival of Korea as an opportunity for the American public to become acquainted with the vitality and richness of Korean life and culture. I hope you will join me in recognizing and supporting our Korean friends and all Korean-Americans in their efforts to add the rich colors and textures of Korean culture to the already intricate weave and mix of heritages that make America so unique. I invite you to join me in visiting the festival when it comes to our Nation's Capital.

DUFFY LAYTON AND MARK GERMOND OF STANFORDVILLE, NY SHOW AMERICAN SPIRIT OF GIVING AT ITS BEST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, let me tell you a story about America at its best.

Mr. Duffy Layton of Stanfordville, NY in our 22d District runs an excavating, sand and gravel business. He heard from one of his customers that there didn't seem to be any local coordinated effort to help flooded farmers in the Midwest.

Duffy Layton thought we should help. So he got in touch with some friends who called their own friends and got some information on Iowa farmers who were really in need. By that, I mean farmers who were having a tough time even before the terrible floods.

Then Duffy Layton placed a notice in a local newspaper asking for donations of fuel, hay, and money to help feed farm animals. He donated his own tractor-trailer, and another Standfordville resident, Mark Germond, volunteered to ride with Duffy to Colfax, IA.

Beside the efforts of Duffy Layton and Mark Germond, Mr. Speaker, I want to express the highest praise for the many people who made major contributions to this spontaneous relief effort. They delivered 600 bails of hay, and a check of $5,000 from Marge Zimmerman of the James Cagney Estate.

The point I want to make, Mr. Speaker, is that these contributions came from upstate New York farmers who are hurting themselves. Many of them live in counties recently included in a Federal disaster area because of severe drought this summer. Yet they did not hesitate to help fellow farmers halfway across the country.

That, Mr. Speaker, is the American spirit in action.

I'd also like to thank the States of Ohio, Indiana, Illinois, and Iowa for waiving the taxes usually required on this load of hay.

Duffy Layton plans to make additional runs in September and October.

Mr. Speaker, I am enormously proud of the generous farmers who contributed. But I'd especially like to take this opportunity to single out Duffy Layton and Mark Germond for their leadership in this relief effort. I would ask everybody to join me in saluting these two American patriots.

TRIBUTE TO OLGA CONNOR AND AGING AND ADULT SERVICES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I recognize Olga Connor and the staff of the aging and adult services program for their dedication to serving the south Florida community.

Ms. Connor has dedicated 26 years to the well-being of this community and has continually demonstrated her commitment to helping the elderly and less fortunate members of our community. As the present program administrator for the aging and adult services program, a program specifically designed to provide necessary assistance to the elderly, she has shown her leadership and continued support for the welfare of the elderly in south Florida.

I would like to congratulate the staff of this valuable program for their continued dedication to assisting the elderly and also take this opportunity to congratulate the following individuals who will be honored on Friday, September 10th, at the aging and adult services awards luncheon for their outstanding contribution to the south Florida community: Jenny A. Brugal, Connie Lowe, Gonzalo Ferreira, Teresita Fernandez, Fernando Garcia, Pablo Larger, Jamie Paul, Margarita Singer, Carol Hernandez, Melinda Rosado, Lois Young, William Ludeke, Lourdes Paneda, Fran Decker, Samuel Eskenazi, Mahmood Eslamafir, Sharon Bain, Gabriela Rodriguez, Silvia Garcia, Jose Soroa, Yasmin Gonzalez, Dorothy Richards, Aixa Escarra, Paul Winfrey, Nerieda Paulette, Laurie Mesa, Elizabeth Covino, Don Yost, Candace Braunle, Linda Feyerisn, Leila Nicole, Marla Hanson, Barbara Gray, George Steven Rings, Cheryl Davis, Luthr Gaulding, Ana Romero, Rafael Andino, Emiliano Moreno, Amparo Gutierrez, John Moats, Oscar Ernand, Isac Cajina, Isolina Sanchez, Sergio Miyares, Katie Frazier, Rosa Montes, Miguel Arrue, Amelia Lavielle, Herminia Alvarez-Tabio, Alberto Tarafa, Ana Contreras, Jeannette Henao, George Pollak, Elena Herrera, and Luisa Portocarrero.

MR. GORE, BETTER CHECK WITH BOSS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the September 6, 1993, edition of the Omaha World-Herald.

[From the Omaha World-Herald, Sept. 6, 1993]

MR. GORE, BETTER CHECK WITH BOSS

Vice President Gore says he wants government to operate more like business. He'd better notify the White House. It seems to want business to operate more like government.

Gore heads a committee to look for ways to improve government operations. A report is expected Tuesday. Gore says the goal is to reduce red tape and make government more efficient.

We wish him well. The government is too big, too wasteful. It tries to do too many things that conflict with the philosophy of limited government. And it meddles too much in the private sector. If the committee can address some of these problems, it would be commendable.

But Gore is also the member of an administration whose policies would make it harder for the private sector to deliver goods and services, create jobs and provide a return on shareholders' equity. The administration has raised corporate tax rates, reducing the pool of funds for economic growth. It wants government to force employers to provide more time off, higher pay and more benefits.

Gore says he wants to reinvent government. But a government that finds a better way to tax, regulate and mandate is still taxing, regulating and mandating. What the country needs is a reform movement that will go beyond "reinvention" and look for ways to reduce the government's control over the private lives and businesses of the people.

THE NEED FOR MEWA LEGISLATION, H.R. 1272

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. PETRI. Mr. Speaker, I want to bring attention to an important health care issue which was raised recently by the acting inspector general of the Department of Labor, Mr. Charles C. Masten, before the Senate Committee on Appropriations. The issue concerns multiple employer welfare arrangements [MEWA's].

With the rapid escalation in health care costs, small employers have found it increasingly difficult to offer affordable health care coverage. One method small employers use to control costs is to establish group health plans known as multiple employer welfare arrangement. The idea underlying MEWA's is for small employers to band together to pool premiums and risks in a manner similar to the way many large companies operate their own self-insurance programs.

Since the enactment in 1983 of the ERISA preemption amendments, the States have had the authority to regulate MEWA's. What has developed since 1983 is a patchwork quilt of regulatory schemes. Some States have failed to regulate MEWA's in a vigorous and uniform fashion. In these States, some MEWA's have been created not to sell legitimate health insurance but to sell fraudulent health care policies; they collect premiums but do not pay claims. On the other hand, some States have chosen to overregulate MEWA's to such an extent that they threaten the very existence of longstanding multiple employer health plans like those maintained by the United Agribusiness League and other associations.

In order to prevent the spread of fraudulent MEWA's and to prevent States from shutting down all MEWA's as unlicensed insurers, Representative MATTHEW MARTINEZ, myself, and other colleagues introduced MEWA legislation, H.R. 1272 earlier this year. The inspector general of the Department of Labor stated the following in connection with H.R. 1272 in his testimony to the Senate Appropriations Committee on June 18, 1993:

H.R. 1272 is a comprehensive effort to better regulate MEWA's by clearly defining them and mandating certain minimum operating standards * * * [Furthermore] H.R. 1272 incorporates important elements of four MEWA bills that were introduced in the house and Senate during the last Congress. This bill establishes a Department of Labor process by which a MEWA can receive an exemption from state regulation that will require MEWA operators to annually register

with the Department and comply with certain standard requirements. The bill also requires MEWA's to notify all state Insurance Commissioners that they will be operating and conducting business in their respective states. Although to date there has been no companion bill introduced in the Senate, we are hopeful that there will be consideration and discussion of such a Senate bill in the near future.

Similarly, in the March 31, 1993, semiannual report "Office of the Inspector General, U.S. Department of Labor," the following statement was made:

During this reporting period, the Department of Labor has taken no action to address this issue. The OIG was encouraged, however, by the introduction of H.R. 1272, a bill which defines and sets specific standards to which MEWA's and their operators must comply. DOL support for such legislation is needed to appropriately address this problem.

Mr. Speaker, I hope both Chambers of Congress take a closer look at H.R. 1272, as recommended by the inspector general of the Department of Labor. The intent of my bill is to properly regulate and keep alive hundreds of self-insured multiple employer health plans which provide needed health care benefits to thousands of employees and their dependents.

At a time when increasing access to health care is of great concern, we should be taking these needed steps to prevent the shutdown of existing viable health plans while preventing fraudulent health insurance schemes.

20TH ANNIVERSARY OF RETIRED SENIOR VOLUNTEER PROGRAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 20th anniversary of the Retired Senior Volunteer Program in Belleville, IL, a city in my congressional district. The Retired Senior Volunteer Program is an exceptional program with which my wife and I have been involved with now for several years. I commend the great work that the RSVP has so generously given over these past 20 years. Our community has greatly benefited from the work and dedication given by these fine retired citizens.

In fact, I am happy to say that Byron Nordacker and Margaret O'Maley are two active RSVP volunteers who are currently working in my congressional office. In addition to Byron and Margaret, my wife, Georgia Costello has worked closely with the RSVP, and continues to serve as a member on the RSVP Board.

I ask my colleagues to join with me today to congratulate the Retired Senior Volunteer Program on their 20 years of public service. I wish them a very happy anniversary, and I look forward to celebrating this momentous event with them at their annual awards luncheon on September 17, 1993.

TRIBUTE TO STEVEN CULEN, EXECUTIVE DIRECTOR OF AFSCME COUNCIL 31

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mr. Steve Culen, who has recently retired from his position as executive director for Council 31 of the American Federation of State, County, and Municipal Employees. Mr. Culen will be honored this Friday, September 10, 1993, in Chicago, IL, for his outstanding efforts on behalf of AFSCME members over the past 13 years.

Mr. Culen is also being recognized this day, Mr. Speaker, for his dedication to helping the elderly. He was recently elected to the national vice-chairmanship of Little Brothers/Friends of the Elderly, an international organization dedicated to relieving feelings isolation and loneliness among the elderly. Mr. Culen has been involved with Little Brothers for a number of years, and has deeply enriched the lives of many elderly Chicagoans.

I am especially pleased, Mr. Speaker, to be able to enter these words of acclamation into the RECORD to honor Mr. Culen. And because of Mr. Culen's exceptional leadership abilities and devotion to the community, I urge my colleagues to join me in paying this special tribute to a great American.

OPPORTUNITIES FOR STRATEGIC ALLIANCE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. LEACH. Mr. Speaker, I commend to our colleagues an address delivered recently by Richard H. Stanley on the occasion of a visit to Iowa by a distinguished group of ambassadors to this country sponsored by Senator CHARLES GRASSLEY. Mr. Stanley is president of Stanley Engineering as well as the Stanley Foundation which is the world's preeminent think tank for the study of multilateral diplomacy. His perspective on the opportunities in history is profound, worthy of serious consideration in this body:

OPPORTUNITIES FOR STRATEGIC ALLIANCES

(By Richard H. Stanley)

Senator Grassley, Distinguished Guests, Ladies and Gentlemen, it is indeed a pleasure for me to add my welcome to this outstanding group visiting Muscatine and the state of Iowa. Those of us who live in what we consider to be the heartland of this country delight in opportunities to show our region to foreign diplomats whose experience in this country is too often limited to Washington, D.C., New York City, and a few other major cities. Visits to areas like this show the delightful diversity of our country and let you experience Iowa values and hospitality which are a significant part of why we choose to live and pursue our careers here.

Among these values, you will find that Iowa has a strong international outlook. This derives from a long-standing perspective that sees Iowa as a part of a larger world and which recognizes the need for Iowans to be contributing citizens in a global community.

Iowa is known as an agricultural state and our agricultural heritage contributes to our international outlook. Indeed, nearly one bushel in three of corn raised in this state is exported. But contrary to this reputation, less than ten percent of our gross state product is derived from farming. Iowa is quite industrialized and the great majority of our people live in cities and towns across the state. But our industrial base also adds to our international outlook. In 1990, Iowa exported almost $2.2 billion of goods and services.

This evening, I have been asked to address "Opportunities for Strategic Alliances" across national boundaries. I choose to define "Strategic Alliances" broadly; including not only business and commercial alliances which are certainly central and of growing importance; but also cultural and religious linkages; alliances centered around global policy issues such as development, environment, human rights, population, and similar matters which are coming to be recognized as the survival issues of the future; and also alliances formed primarily for the joy and perspective gained from human social interaction.

The short answer to the question of how opportunities for strategic alliances are faring is that they have never been better. The displays you have seen and the conversations which have already taken place this evening demonstrate the vibrant international interest of Muscatine's people and industries. You have been greeted by representatives of our city government, the Muscatine Chamber of Commerce, the Muscatine Development Corporation, the Muscatine Sister Cities Association, and The Stanley Foundation. You have seen displays by representative Muscatine businesses and industries, including Bandag, HON Industries, Grain Processing Corporation, Stanley Consultants, Carver Pump, and BT Prime Mover.

As I travel in this and other countries and as I meet and visit with people around the world, it is clear that the energy and interest being applied to developing strategic alliances are pervasive. It is equally clear that the benefits being derived from strategic alliances are both substantial and widespread.

Why is this? Why are the opportunities for strategic alliances so great in this decade of the 1990s?

One major reason is the changed political climate. For almost all of the adult lives of most of us in this room, the east-west Cold War has been the organizing imperative of our thought and actions. Perhaps without our fully recognizing it as the cause, the Cold War froze activity. The "enemy" or someone aligned with the "enemy" was suspect and to be avoided. The Cold War structured relations, tying them to east-west divisions. During the Cold War, nationalism was fanned and the power and dominance of national governments was strengthened. In days when we feared nuclear cataclysm, we lived with the possibility of being minutes away from nuclear destruction. Our national leaders were seen as the guardians of our security with their fingers on the nuclear button. National leaders were understood to have secret inside information and we empowered them to act on our behalf, ceding to them authority over many aspects of our lives. This encouraged national command

and control systems. Ethnic, cultural, and other differences were suppressed on grounds of national security. We accepted all this because we perceived our survival as being at stake.

But in 1989, the Berlin Wall—symbol of the Cold War—came tumbling down and, with its fall, the world entered a new post-Cold War era. The organizing imperatives that structured our Cold War existence were shattered. While it takes time to recondition attitudes and reflexes trained during more than four decades of the Cold War, the post-Cold War era brings a new political climate with new opportunities.

This new era values democratic governance, decentralized decision making, market economies, openness, and communication. It places high importance on human life and the protection of human rights. It permits and encourages attention to the nonmilitary survival issues—environment, develop-ment, population stabilization, etc.—of the 21st century. These changes provide a climate conducive to strategic alliances.

Changing technology and an economic climate that is globalizing nearly everything combine to constitute a second major factor encouraging strategic alliances.

International travel is mushrooming. Tourism is big business.

Strikingly improved communications technology brings us to the world an the world to our door. In the past, I have carried a shortwave radio with me when I travel overseas in order to be able to access BBC, Voice of America, or other news sources. I don't do this very much anymore because of the ubiquitous presence of CNN and other international news media. Direct-dial and cellular telephone technology along with facsimile transmission and computer modems speed and expand the availability of information. In this post-Cold War era, we can know what is happening almost anywhere in the world quickly and in living color. We can talk to and hear from almost anyone.

Financial markets have become global. With few exceptions, availability of capital is no longer constrained by national boundaries. Indeed, international financial flows are more than twenty times the international trade flows. One out of every seven equity transactions in the United States is cross-border, either someone in this country purchasing equity in another country or vice versa. In the economic arena, world trade is increasing and sales by foreign affiliates is growing even faster. Corporations and businesses have become transnational and we are moving toward an integrated international production system. The 1993 World Investment Report: Transnational Corporations and Integrated International Production, published by UNCTAD, states:

"The number of transnational corporations from the 14 leading home developed countries has grown from 7,000 two decades ago to 24,000 today. Worldwide, there are 37,000 transnationals including an increasing number from developing countries, with over 170,000 foreign affiliates. By 1992, these companies had generated a global stock of foreign direct investment reaching $2 trillion and sales by foreign affiliates were close to $5.5 trillion, considerably larger than the $4 trillion in world exports of goods and nonfactor services."

Robert B. Reich, now Secretary of the U.S. Department of Labor, caught the scope of this globalization in his book; "The Work of Nations" when he wrote, "The standard of living of Americans, as well as the citizens of other nations, is coming to depend less on the success of the nation's core corporations and industries, or even on something called the "national economy" than it is on the worldwide demand for their skills and insights."

In short, "national economy" is fast becoming a misnomer.

To sum up, the changed political climate and the globalization of human activity are resulting in three significant trends. First, capacity of national governments to control transnational activity is sharply eroded. Second, market forces are becoming the primary factor guiding economic activity and resource allocation. Finally, there is a new and rapidly growing phenomenon transnational networks and alliances of all types including business and commercial, ethnic, cultural, religious, political, social, and individual.

What, then, is happening because of these trends? What impact are they having on the way the world thinks and acts? There are both positive and negative elements. Among others, five aspects of change merit mention.

First, we see significant efforts toward regional integration. Perhaps the most discussed of these is the European Economic Community. While the rate of progress has varied and there have been recent setbacks, there is clear movement to compensate for the weakening national role by moving toward a regional common market and a greater degree of political and financial integration. An example in this hemisphere is the movement toward a North American common market. U.S.-Canadian agreements are being implemented and the NAFTA agreement has been signed and will shortly be up for U.S. ratification. There are other examples of regional integration by intergovernmental agreement. But perhaps even more significant in the long run, is the extent of regional integration which is taking place without particular national government sponsorship. Illustrating this, the press release on the World Investment Report 1993 included the statement, "Evidence cited in WIR '93 indicates that while TNC activities often follow regional integration patterns, as with the Single Market in the EC, they also promote integration in the absence of governmental arrangements. Thus, Japanese TNCs have been establishing integrated production systems in Asia, integrating more closely the economies of a number of countries in South and Southeast Asia; while United States TNCs began establishing regional links involving Mexico prior to the negotiation of NAFTA. In addition, data on Foreign Direct Investment flows and examples of company practices, especially in industries such as automobiles, indicate a growing degree of integration that is crossing regions, perhaps leading towards a truly globally-integrated world economy. The result of the expansion of complex strategies on the part of TNCs is the evolution of an integrated international production system."

A second striking development is that governments below the nation-state level are becoming increasingly active internationally, facilitating the creation of strategic alliances. Just yesterday, five Russians from Muscatine's sister city, Kislovodsk, left here to return home after a two-week visit. Four of the visitors were business and professional people who were here in significant part to pursue strategic business alliances. The fifth was a representative of the city of Kislovodsk who carried the title of Mayor's Assistant for International Affairs. Such a position wouldn't have existed during the Cold War. Here in this country, the various states have many more overseas trade and commercial offices than does the U.S. Federal Government. In the western part of this continent, five U.S. states and two Canadian provinces have established the Pacific Northwest Economic Region which looks toward economic relations with Pacific Rim countries. Without the blessing or particular support of their respective national governments, these seven states and provinces are endeavoring to align their state and provincial regulations and practices to appear as and to be a single economic region in dealings with other countries.

The list of similar developments could go on and on. Clearly, governments below the nation-state level are taking many transnational initiatives. They are telling national governments, both literally and by their actions, to get out of their way while they promote strategic alliances and global integration.

Third, private transnational activity is burgeoning. Discussion and actions toward establishing private partnerships and strategic alliances are commonplace. This is occurring on a personal level, on the basis of cultural and ethnic ties, and, of course, in the business and commercial arena. Often, a blend of these aspects is involved. Again in the "Work of Nations," Robert B. Reich states, "But in the emerging high-value economy, which does not depend on large-scale production, fewer products have distinct nationalities. . . . Consider some examples: . . . A sports car is financed in Japan; designed in Italy; and assembled in Indiana, Mexico, and France using advanced electronic components invented in New Jersey and fabricated in Japan. A microprocessor is designed in California, and financed in America and West Germany, containing dynamic random-access memories fabricated in South Korea. . . . Which of these is an American product? Which a foreign? How does one decide? Does it matter?

A fourth aspect is the flourishing of transnational Non-Governmental Organizations, usually focused around political, social, ethnic, or religious concerns. While the effect of this can be either positive or negative, the fact of their growing significance is undebatable. As examples, the planning, conduct, and outcome of the 1992 U.N. Conference on Environment and Development held in Rio de Janeiro were greatly influenced by nongovernmental organizations. NGOs were highly visible at this year's U.N. Human Rights Conference in Vienna. Radical religious fundamentalist groups have had influence and caused difficulties in various countries and across national boundaries. Although their degree of influence varies from place to place, Non-Governmental Organizations are growing factors affecting public perception, private practice, and government policy.

Finally, and clearly on the darker side, the diminished dominance of the nation-state, which has come with the ending of the Cold War, has permitted the emergence of formerly repressed hostilities, resulting in dire human tragedies like the festering boil of Bosnia, and the collapse or implosion of governments formerly propped up by the Cold War such as Somalia.

So what then does the future hold in store? What are the most constructive actions for governments and for those of us in the private sector?

First, we need to understand that the forces of global integration are compelling and gaining strength. They will not be denied. In fact, most of us here in this room

are part of those forces. We see opportunities for strategic alliances. We are impatient with obstacles. We are actively pursuing strategic alliances in ways that fit our circumstances and situation. As individuals, as groupings of people with common interests, and as enterprises, we will continue to press our interests in a world that is increasingly integrated, interdependent, and globalized.

This means that national governments must adjust and respond. National governments cannot stop, and should not try to stop, the forces of integration. They must recognize their limitations and reduced capacity for control. Nation-states can and should create a supportive climate for integration. They can and should channel and guide globalization so that public as well as private ends are satisfied. They can and should promote global awareness and international understanding, helping to prepare their citizens to live and work in the post-Cold War world.

It also means that the existing international and regional institutions must be re-created and strengthened. New global and regional organizations may be required. For the most part, present institutions were created and designed for a different era when the role of the nation-state was far more dominant than today. Now more than ever before, there is great respect and support for a revitalized United Nations. A report to be released next month by the United States Commission on Improving the Effectiveness of the United Nations states, for instance, that "there is widespread recognition that global problems require global solutions. Surveys indicate that four out of five Americans believe that the United Nations should take the lead in future international crises involving aggression." Such study and negotiation are needed, but they will be wasted unless fundamental institutional changes actually occur.

The real challenge is moral and philosophical. It falls on all of us. Can humankind bring off this transition to a global society in a way that lets us survive not only into but beyond the 21st century? Can we temper narrow self interest with concern for the greater global good? Can we think and act to serve long-term needs, rather than being seduced by immediate gratification? Can we build a global society able to cope with the long-term survival issues including environment, development, population pressures, and resource limitations? Can we learn to celebrate and enjoy our diversity of race, religion, nationality, and ethnicity and yet understand and be guided by the more fundamental truth that beneath our diversity we are all members of humanity and must learn to guard each other's dignity and protect each other's rights? Can we re-create our institutions and practices to foster these goals?

A YOUNG SOUTH CAROLINIAN'S VOICE IN AMERICA'S FUTURE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. DERRICK. Mr. Speaker, I thought my colleagues and other Americans would be interested in reading an excellent essay written by Ms. Sundi Smith of New Ellenton, SC, which is in my district. I congratulate Sundi on her thoughtful essay and wish her every success for the future.

MY VOICE IN AMERICA'S FUTURE

The story is told of a young man and his father traveling in a truck along a country road one day. Suddenly the father stopped the truck. A large tree limb had fallen into the road and was blocking their path. The young man looked at his father and said, "You know, somebody ought to move that tree limb out of the road." To his remark his father replied, "Son, you are somebody." With that the young man got out of the truck and moved the limb out of the road.

Like the young man, I am somebody and I have a voice in shaping our nation. A voice had spoken to the young man telling him that he was somebody—that is, someone who could be active, helpful, and considerate. He listened to that voice and it made a difference for him and those who would follow him down that country road.

It is not enough that we simply raise our voices. Mobs of people have raised their voices and brought forth nothing but violence and destruction, I must be careful that my voice speaks words of encouragement, words of honesty, and words that build up my nation.

It is also important that I not be fearful of speaking alone. The voice of Patrick Henry was singular when he cried out, "Give me liberty, or give me death!" Soon other voices took up that cry but it all began with the courageous voice of one person, Patrick Henry.

In the Bible, John the Baptist told about the coming of Jesus Christ. John's was a "voice crying in the wilderness, preparing the way." My voice may at times speak alone but what's important is that words are positive, honest, and helpful.

My greatest desire, however, is to join my voice with others so that together our voices can serve to preserve the liberties and sacred institutions that have made our nation great. Democracy must be preserved against the evil forces that would destroy the very fabrics of our freedom. But as one great citizen has said, "all that is necessary for the forces of evil to triumph is that enough good men do nothing." Democracy must be nurtured, guarded, and prized.

When Benjamin Franklin emerged from the hall in Philadelphia after just signing the Constitution, a women ran up to him and said, "Well, doctor, what have we got, a republic or monarchy?" Franklin answered, "A republic if you can keep it!"

Can we keep it? We can if enough of us are willing to raise our voices and commit our lives to the never ending task of maintaining this democracy.

In ending this speech, I would like to quote a line of verse written by James Weldon Johnson. These words represent my hope for all the voices of America:

"Lift every voice and sing,
Till earth and heaven ring,
Ring with the harmonies of liberty;
Let our rejoicing rise
"High as the listening skies,
Let it resound loud as the rolling sea."

LEAVE ABORTION OUT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member agrees with and commends to his colleagues the following editorial from the September 7, 1993, edition of the Lincoln Star.

[From the Lincoln Star, Sept. 7, 1993]

LEAVE ABORTION OUT

One word of advice to the Clinton administration: Don't include abortion in any mandatory health insurance package.

The philosophic arguments for including abortion coverage are obvious. This is a legal procedure that should be available to all Americans. Abortion could become an option of middle- and upper-income women only if it is not a part of mandated insurance package in any national health program.

But the practical realities outweigh philosophy or equity.

Any national program that includes abortion will be filleted by the pro-life forces.

The details of any national health plan will bring controversy and debate, primarily centered on economic interests:

Including abortion coverage will inject the emotional moral debate that is at the heart of the abortion controversy into the national health care discussion.

Average Americans are ambivalent about abortion, polls continue to show. And they are made uneasy by the shrill and rancorous abortion debate. Bringing that debate into the national health plan will bring no new supporters to a national plan, assure vocal opposition from the pro-life extreme and make those in the middle uneasy.

A national health care plan is important if we want to better control costs and assure health care for all Americans.

President Clinton is already heading into stormy waters. The ordinary controversy engendered by such a massive change and the potential cost may kill any national health care proposal.

But defeat is certain if abortion coverage is part of the package.

EXECUTIVE OFFICE ACCOUNTABILITY ACT OF 1993

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CLINGER. Mr. Speaker, today I rise with nearly 45 of my Republican colleagues to introduce a bill which appears to be long overdue. The Executive Office Accountability Act of 1993, cosponsored by every Member of the Republican leadership and nearly every member of the House Committee on Government Operations, would establish for the first time an independent inspector general within the Executive Office of the President. The bill also requires the White House to comply with the requirements of the Chief Financial Officers Act of 1993 by appointing a chief financial officer and preparing annual, audited financial statements.

Examples of mismanagement and malfeasance at the White House are legion and may be just the tip of the iceberg of bad management practices. These examples include the firing of long-time, career employees at the White House Travel Office, avoidance of procurement laws to buy millions of dollars worth of unnecessary equipment, and the retroactive personnel and pay actions. Unfortunately, we would never know of the full extent of this mismanagement because the White House is the only function within the executive branch which does not have an ongoing oversight function.

This pattern of mismanagement strongly suggests the need for an inspector general and chief financial officer at the White House. That is why I am today introducing the Executive Office Accountability Act of 1993. Although this legislation will provide for full-time oversight of administrative activities at the White House, the President need not be concerned that he will have an auditor looking over his shoulder at every turn. When drafting this legislation I went to great lengths to give the President authority over his inspector general enjoyed by no other Government official.

If the White House IG is conducting a review of any activity which the President believes interferes with his constitutional authority as President or Commander in Chief, he need only notify the IG that no such investigation is to be conducted. The IG, in turn, will notify the House and Senate Government Operations Committee that he has been denied authority to conduct an investigation. The IG cannot appeal the decision.

Furthermore, it is my hope that the President will reach into the inspector general community to select the White House Inspector General. In any case, that individual will be subject to confirmation by the Senate. His or her integrity will be on the line if a management scandal, such as the firings in the Travel Office, is discovered to have been ignored by the Office of the White House IG.

I am attaching to this statement a summary of my legislation and a list of cosponsors. I encourage all of my colleagues to join me in reinventing the Government at the White House by supporting the Executive Office Accountability Act.

EXECUTIVE OFFICE ACCOUNTABILITY ACT OF 1993

(By William F. Clinger, Jr.)

BRIEF SUMMARY

The bill amends the Inspector General Act of 1978 to establish an Office of Inspector General within the Executive Office of the President. The Inspector General will be a presidential appointee with Senate confirmation and must comply with those reporting requirements as all other Inspector Generals, including the submission of semiannual reports to Congress.

Special provisions included in the bill concerning the IG in the Executive Office of the President include:

Placement of the IG under the president's authority, direction and control with respect to matters concerning policy making, national security and the national interest, among others; and,

Authority to the president to prohibit an IG action which interferes with the core functions of the constitutional responsibilities of the president.

The bill also requires the Executive Office of the President to comply with the requirements of the Chief Financial Officers Act, including:

Appointment of a Chief Financial Officer for the Executive Office of the President.

Preparation of annual, audited financial statements.

Sponsor: William F. Clinger, Jr.

Cosponsors: Robert Michel, Newt Gingrich, Dick Armey, Duncan Hunter, Henry Hyde, Bill Paxon, Jim Lightfoot, Frank Wolf, Ernest Istook, Al McCandless, J. Dennis Hastert, Christopher Shays, Steven Schiff, Christopher Cox, Craig Thomas, Ileana Ros-Lehtinen, Ronald K. Machtley, Dick Zimmer, William Zeliff, Jr., John McHugh, Steve Horn, Deborah Pryce, John Mica, Rob Portman, Jim Ramstad, Elton Gallegly, Olympia Snowe, Joe McDade, John Boehner, Nancy Johnson, Jim Saxton, John Kasich, Jim Greenwood, Harris Fawell, Amo Houghton, Bob Livingston, Tom Bliley, Scott Klug, Henry Bonilla, Paul Gilmor, Roscoe Bartlett, Bill Baker, Herb Bateman, Jim Walsh.

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HENRY C. ENGEL, JR. RETIRES FROM 30 YEARS OF SERVICE AS A PUBLIC DEFENDER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Mr. Henry C. Engel, Jr., who will be honored on September 10, 1993 as he enters retirement from 30 years of dedicated service as a public defender, 27 of those years in Harford County, MD. In fact, Henry was the first public defender for Harford County and the State of Maryland, and has continued as the public defender for Harford County to date.

Through his long and dedicated career, Henry Engel has been an asset to the State of Maryland, gaining much respect and making many friends. In a recent Baltimore Sun article, Assistant Public Defender Francis Henninger was quoted as saying:

He's a good role model who cares about his clients, us and the community. He takes an interest in me as a person and not just as an attorney, and that's something I'll miss.

Not only has he ensured the rights of his clients, but has ensured a better life and brighter future for many people. Henry's compassion for human life extends past his job. He has been known to take children deemed hopeless by the legal system into his home and provide them love and guidance. One child whom Henry saved from an institution still calls him every Sunday. Henry says, "he loves working closely with people to make positive changes in their lives," and that is what will be missed most about him.

Henry Engel began his law career in 1958. At the age of 31, Henry became master in Juvenile Causes serving from January 7, 1963 to June 30, 1966. Henry's role as public defender began on July 1, 1966, allowing the Hartford County judicial system to serve as a role model. In the following years, other counties throughout Maryland added the office. In his position, he led by example and demonstrated tremendous leadership. Through his many years of distinguished service, respective accomplishments and dedication to his profession, he has paved the way for many generations to follow.

In addition to his work, Henry has demonstrated his undivided commitment to his community and profession by being a member and holding several leadership positions with the American Bar Association, 1957–76; Maryland State Bar Association, 1958 into the 1970's; Harford County Bar Association, 1957 to present; Harford County Board of Zoning Appeals, 1959–63; Harford County Commission for the Study of Juvenile Delinquency, 1963–66; State Young Democrats Club of Maryland, 1962–71; Dickinson Club of Baltimore, Phi Delta Theta Alumni Club, the Lions Club of Bel Air, Susquehanna Law Club, Regional Jail Commission, Jaycees of Bel Air, Bel Air Teen Club, Fraternal Order of Police, U.S. Naval Reserve, 1949–53; and the U.S. Army Reserve, 1953–71. He is also a very active member of the First United Presbyterian Church of Bel Air, serving as an elder, as well as teaching senior high age students.

Mr. Speaker, my fellow colleagues, I am proud to congratulate Henry C. Engel, Jr., upon his retirement from 30 years of devoted service to his State. His work as a public defender for Harford County is deserving of the utmost recognition. To invest over three decades of one's life to one particular job reflects a great deal of dedication and satisfaction with one's place in life. I extend my best wishes to Henry for many more years of continued success and happiness.

TRIBUTE TO EVELYN GLICKMAN AND JACK LEARNER ON THEIR 50TH WEDDING ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I pay tribute today to Evelyn and Jack Learner on their golden anniversary. Evelyn and Jack, together, have demonstrated their love and commitment to each other and their community.

Evelyn Glickman has dedicated her outstanding services as an executive officer to the sisterhood at Temple Beth El, located on Long Island, NY. She is known for her successful efforts working for the charity "Fight for Sight Campaign."

Jack Newton Learner attained his professional skills through his undergraduate studies at New York University and his graduate studies at New York University Law School. Upon graduation, Mr. Learner was admitted to the bar in 1938 and became a member of the New York State Bar Association. During World War II, he was a prominent attorney in the Office of Price Administration. His success and hard work led him to become a chairperson of the committee on the civil court and a member of committee on the Supreme Court. Mr. Learner devoted much of his free time to educating students interested in the profession of law. He gave informative lectures at New York Law School and at the New York County Lawyer's Association. He is also a member of the New York State and American Bar Association.

Together, Evelyn and Jack Learner, have built a life together which was founded upon a commitment to the community in which they live. Their marriage of 50 years has produced two children and two grandchildren. All of whom plan to carry on their legacy of commitment to family, work, and civic duty.

PATCHOGUE PROUDLY MARKS ITS CENTENNIAL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to the Village of Patchogue, NY. This community in my congressional district is celebrating its centennial this year.

Patchogue is a charming village situated on the picturesque Great South Bay on Long Island's south shore. Its residents have planned an ambitious celebration for their village's 100th anniversary. Our U.S. Navy and Coast Guard will be providing a major local presence at their centennial events this Saturday, September 11.

The Navy will bring to Patchogue its popular educational mock ship U.S.S. *Enterprise*. This remarkable 30-foot land-based replica of the famous Navy ship will provide a dramatic parade float as well as an excellent learning center for Long Islanders of all ages. There will also be a temporary Navy recruiting station on site.

A major highlight will be a mock search-and-rescue operation performed on the bay by Coast Guard personnel using a helicopter and rescue boat. The helicopter will be on the ground for public inspection when not in use. Additionally, the Coast Guard's color guard will march in the centennial parade, and a Coast Guard recruiting station will be set up for the day. Finally, Long Island members of the Coast Guard Auxiliary will be staffing a land-based boating safety educational display.

Mr. Speaker, I ask that the Congress join with me in recognizing the centennial of the great Village of Patchogue.

ARTS AMERICA TOUR: NASHVILLE TRIO HIT THE ROAD

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CLEMENT. Mr. Speaker, I congratulate Nashville's Barenberg, Douglas and Meyer Trio on being selected to tour overseas under the auspices of the Arts America Program of the U.S. Information Agency.

Selected to promote a better understanding abroad of the United States and our culture, the Barenberg, Douglas and Meyer Trio started their month-long tour August 17 with performances in Dhaka and are continuing with stops in Kathmandu, Calcutta, New Delhi, Bombay, Hyderabad, Madras and Colombo. I know the audiences in each of these cities will enjoy the trio enormously and gain an appreciation for some of the finest mix of country, folk and blue-grass music the United States has to offer.

Russ Barenberg has long been one of the foremost guitarists on the acoustic music scene. His rich and varied background gives him a wide knowledge of country, jazz and pop music. In the studio his skills include top notch bluegrass and country rhythm, delicate fingerstyle accompaniment, swinging jazz and Latin rhythms, and the distinctive melodic playing for which he is known. His beautiful, clean sound, impeccable time and confident rhythmic feel make him an ideal studio player. With his extensive experience in ensemble arranging, Russ can be counted on to come up with interesting parts that make the music sound good.

Country music fans have been turning on their radios and enjoying the music of Jerry Douglas for years. As Nashville's dobro-player-on-call, Douglas has lent his singular instrumental wizardry to the work of Randy Travis, Ricky Skaggs, Reba McEntire, Foster and Lloyd, Rosanne Cash and countless others. In the process, he has raised the dobro-consciousness of all who encounter his music.

The third member of the trio, Edgar Meyer, has established himself not only as one of the top instrumentalists of his generation, but also as an innovative and often-performed composer. Stating at age 5 with the instruction of his father, Meyer was the winner of numerous competitions, including the 1981 Zimmerman-Mingus competition, which was the first international bassist competition held in the United States. In 1985, he became the first regular bass player for the Santa Fe Chamber Music Festival and to date has written five commissioned works for the festival. He regularly records with other artists, including Kathy Mattea, Garth Brooks, Bruce Cockburn, Hank Williams, Jr., T-Bone Burnett, Reba McEntire, Lyle Lovett and the Indigo Girls.

Individually, each member of the trio is an accomplished artist. Together, they create music that is a wonderful combination of their individual styles, training and inventiveness. Their performance have been called a fusion of jazz, classical, bluegrass, rock and just about anything else that will fit an acoustic format.

To be selected by USIA to represent the United States is a great honor. Only a limited number of performing artists are sent abroad each year, mostly to areas of the world where few American artists or their works appear commercially. The choices are intended to reflect the great quality and diversity of American culture and I am proud to join all Nashvillians in congratulating the selection of the Barenberg, Douglas and Meyer Trio.

TRIBUTE TO THE FAMILY AND FRIENDS OF BRIAN GAYLORD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize several outstanding individuals of Lake City, MI. Dave Gaylord, Wayne Seger, Troy Green, Todd Petersen, Tamara Green, and Christi Herrema all took part in a bicycle marathon across America to raise money for the Brian Gaylord Memorial Scholarship Fund.

These dedicated friends made a commitment to bike across this formidable country in order to pay tribute to Dave's brother, Brian Gaylord. Brian was a bright and well loved child who lost a valiant fight against leukemia at the very young age of 14 years. The friends' journey sets the cornerstone for the Brian Gaylord Memorial Scholarship Fund.

The cyclists endured rough terrain, long days, and short nights in meeting this momentous challenge. One of the riders was injured very badly at the outset of the quest, and these injuries only added to each cyclist's grueling task of carrying 80 to 100 pounds of weight day after day. The friends refused to give up the dream in spite of early setbacks. Mile after treacherous mile, as their legs became like lead weights, and the country stretched out like a never ending road before them, the only thing that kept these six brave young men and women going was the quiet strength of the memory of Brian, and the love they had for him. Now, with the trip completed, Dave, Wayne, Troy, Tamara, Christi, and Todd can reflect with enormous pride on their unique accomplishment of establishing Brian's scholarship fund.

Mr. Speaker, I know you will join me in congratulating and commending these outstanding individuals, for the heartfelt effort that they have put into preserving Brian's memory. Their dedication is to be congratulated, and should serve as an example of commitment of family, friendship, and leadership. My sincerest congratulations to these brave young men and women who conquered this heroic effort for such a worthy cause.

TRIBUTE TO BLANK'S AGRI-SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. GILLMOR. Mr. Speaker, I would like to bring to the attention of the Members of the House the recent 40th anniversary of Blank's Agri-Service in Marion, OH.

Since 1953 Blank's has been an innovator in farm technology. Liquid fertilizer, banding, and the weed and feed method are just a few of the practices introduced over the years which are sill popular today.

The founder Bob Blank, was an agronomist who worked diligently to increase corn, soybean and wheat yields in central Ohio. In 1970, Bob turned over the reins of the company to his longtime coworker Richard Farst. Under Richard's leadership Blank's has continued to expand and lead the way in agriculture progress.

Mr. Speaker, I ask my colleagues to join me in congratulating Blank's Agri-Service for their past achievements and encouraging them to continue to hold themselves to the high standards of quality products and services that Ohio farmers have come to expect.

REQUIRE A PLEDGE FROM FIRED AIR TRAFFIC CONTROLLERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the August 17, 1993, Norfolk Daily News, regarding the Clinton administration's decision to remove the ban on rehiring air traffic controllers who went on strike in 1981. It is a noteworthy commentary.

[From the Norfolk Daily News, Aug. 17, 1993]

DEMAND A PLEDGE

The Clinton administration has declared amnesty for the lawbreakers who voted to shut down the nation's commercial air system in 1981. It has lifted the ban on rehiring the air traffic controllers fired by President Reagan, with congressional assent, in 1981. The implication is that those barred by federal law from striking may still do so and get their old jobs back.

At this late date, it is guessed that relatively few of the 11,400 fired workers will be affected. Job openings are limited, but the National Air Traffic Controllers Association, successor to the dissolved union which led the illegal strike, estimates perhaps 3,000 of the strikers would like to return to their careers as federal air traffic controllers.

Even an administration which has unusual compassion for these individuals who put their union's interest first, their family's second and the nation's third—and were willing to risk air safety in the process—should be willing to impose a condition on re-employment. That should consist of a solemn vow from the rehired strikers that they will abide by all the terms of their federal employment.

Having once broken the pledge they took not to strike, a condition of their employment in the first instance, the public has a right to see some evidence of regret on their part. They should promise not to be repeat offenders, and pledge anew to rely on the normal channels of government, including a Congress inclined toward generosity so far as civil servants are concerned, when it comes to bargaining for better pay, more benefits or improvements in the system.

As as been noted repeatedly, these can be stressful jobs and mistakes or inattention are life-threatening. They consequently demand people with both good judgment and talent. Whatever else the arguments, that example of their choosing to strike impeaches the "judgment" standard. Only those who acknowledge their previous action as a serious mistake should be considered for rehiring.

A TRIBUTE TO REV. ALFRED STEELE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay tribute to an outstanding citizen of Paterson, NJ, Rev. Alfred Steele. Reverend Steele has dedicated his life to helping others and providing hope to those who are in need.

Reverend Steele is currently the pastor of Seminary Baptist Church. He has always been responsive to the needs and concerns of the community. He is an advocate of the African-American population and a role model for area young people.

As a lifelong leader and champion of the civil rights movement, Reverend Steele has fought for employment opportunities and political empowerment for all people. Economic, social, and religious development of minority and traditionally disadvantaged communities have been a priority for the Reverend.

Reverend Steele's accomplishments are impressive. In addition to being pastor of the Seminary Baptist Church, he is currently assistant chaplain at the Passaic County Jail, juvenile counselor at Straight and Narrow, executive director of the BJ Wilkerson Memorial Day Care, chaplain of Social Club #628 and has served on the boards of United Way, American Heart Association, and the Private Industry Council Organization.

These exceptional achievements have not gone unnoticed. Reverend Steele has been honored by the Paterson Task Force and the Trinity Temple for his prison ministry. He was also honored by the John F. Kennedy High School Black History Month Committee for his outstanding stewardship and his inspirational leadership to the Paterson community.

Mr. Speaker, I commend Rev. Alfred Steele for his tireless dedication to Paterson and the African-American communities. His commitment and devotion are valuable treasures and I am grateful for all that he has done.

A 25TH ANNIVERSARY TRIBUTE TO THE YUCAIPA ELKS LODGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a very special celebration that took place in early August when the Yucaipa Elks Lodge marked its 25th year of service to its members and our community.

The Yucaipa Elks Lodge was chartered on August 6, 1968 at 4th Street and Yucaipa Boulevard over the Food Fair Market in Yucaipa. Of the 106 charter members of the lodge, 22 are still living and participating in its many activities. The lodge's second location was the Old Christian Church on California Street between A and B Streets, now the location of Grandlund's Restaurant and Candy Store. In 1976, the lodge purchased the two-story Grange Hall where the Elks make their home today.

The Yucaipa Elks Lodge today has 398 members who play an active role in and provide a great many services to the community. Each year, the Yucaipa Elks sponsor an Essay on America contest for 8–13 year olds and Flag Day observance to promote patriotism. The lodge also sponsors cub scout and girl scout packs, scholarships for graduating seniors, public bingo, a Young at Heart dance, and a Hoop Shoot basketball tournament. In addition, the Elks also play an important role in the lives of our veterans providing transportation each month from the Pettis Veterans Hospital for dinner.

The Elks have established themselves as among the most outstanding service organizations in the country with over 2,000 active lodges. Founded in 1868, the Elks serve as a patriotic American fraternal organization with its guiding principles being brotherly love, justice, charity, and fidelity.

Mr. Speaker, I ask that you join me, our colleagues, and many friends of the Yucaipa Elks Lodge as they celebrate 25 years of outstanding service to our community. It is fitting that the House of Representatives pay tribute to these special Elks today.

H.R. 3033

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HALL of Texas. Mr. Speaker, I rise to offer explanation concerning a bill I introduced today, H.R. 3033. Mr. Speaker, this is the third session of Congress in which I have introduced this legislation. So far the House of Representatives has held no hearings and conducted no debate on this matter. So some Members may think it is futile to again bring this bill before the House. But that is not the case. This matter is too important; the cause behind this bill is too just; the damage done to ordinary citizens is too egregious to leave this matter alone.

To assist the Members of this body in understanding the background of this bill, I would like to offer a brief explanation of the events which led up to its introduction.

In 1931, an Italian immigrant, Joe Zeppa, founded Delta Drilling Co. In doing so he was simply following the American dream. Joe was able to take part in the oil boom of the 1930's that helped bring east Texas out of the Great Depression and make the American dream a reality for many people like him. Organized as a closed corporation, Delta Drilling was modestly profitable until the early 1970's, when the energy crisis dramatically increased the company earnings. Increased profitability made the prospect of going public a very attractive option—and inspired Joe with a method of rewarding his many longtime, loyal employees.

Considering the possibilities of the company going public, Delta founder Joe Zeppa worried about the fate of employees should a takeover occur. In order to protect these ordinary, hard-working men and women and to reward them for their loyalty over the years, he initiated employee participation plans under which each employee—executives, managers, secretaries and laborers alike—with at least 15 years of service with Delta was allocated participation units based on his or her annual compensation and years of service in excess of 15. Each participation unit was to be valued at the price of one share of Delta stock when the company went public. The plans were implemented in 1974 with 88 employees participating. In 1975, Joe Zeppa passed away and was succeeded by his son, Keating Zeppa. With revenues jumping from $38 million in

1974 to $161 million by 1980, Delta decided to go public.

On March 17, 1981, Delta Drilling Co. publicly offered 2 million shares of common stock at $17.50 per share. The public offering triggered the participation plans and the exchange of participation units. Under the agreement with the underwriters for the public offering, however, the employees at Delta could not sell or transfer shares issued to them under these terms for a 120-day period after the commencement of the offering. Immediately prior to the public offering of stock the employees agreed to exchange their participation units for a combination of stock and cash. As a result, they received Delta stock equal to 70 percent of the value of their units and cash representing the remaining 30 percent. All told, 2,128,665 shares and $5,321,667 were distributed to the 87 remaining participating employees. An additional $10,643,333 representing 20 percent of the total value of their participation units was withheld for taxes.

Although Delta stock sold in the initial public offering at $17.50 per share, at the end of the 120-day transfer restriction period, the over-the-counter market price had plummeted to only $13.50. In January 1982, the price fell below $9 and dropped to $6.625 per share by April 6, 1982. Due to circumstances completely out of the hands of Delta Drilling employees, the stock eventually became entirely worthless.

This wouldn't seem that bad, Mr. Speaker, because it was just a gift that they had not had before. Right? Wrong. Enter the IRS.

On April 15, 1982, the employees who received this gift of stock found themselves subject to an enormous tax burden. Under the IRS Code, the shares received under the plan were taxed as ordinary income at the rate of 50 percent and were valued at the initial public offering price of $17.50—regardless of when the employees disposed of their stock. Consequently the average tax burden for each employee was a staggering $300,000. In order to help the former plan participants, Delta provided them with an option to exchange each share of stock they received under the plan for one 5-year convertible bond valued at the then per-share market price of Delta stock, $6.625, which could then be used as collateral for loans to pay their taxes. Only 30 of the 87 employees who had received stock under the plans accepted the offer.

Delta, as a group, also sought relief directly from the Internal Revenue Service, and—after extended negotiations—several individuals were offered the opportunity to report receipt of each stock at $15.50 per share. Clearly, however, in no event could any employee have received more than $13.50 per share for their stock received under the plan—even if they had sold it on the very first day after the expiration of the 120-day transfer restriction period. Indeed, if all the employees had managed to sell their stock, the resulting flood of shares would have had a precipitous impact on the market. Further, as I said earlier these are ordinary people—the majority of the employees had little formal education, no training in finance, and few had been to college. Most had never previously owned stock and many did not even know how to go about selling it.

So you see, hard-working employees—many of whom had spent years with this company—were given a gift by their employer. He certainly had no malicious intent in setting up this program. In fact, it is one of the most generous gifts I have ever heard of an employer giving his employees. And the employees certainly stood to gain from his generosity. But instead, they were forced to pay income taxes on an income that they never received—and that is wrong.

The end result of this is that you have ordinary people—as I said earlier this includes janitors, secretaries, everyone—who have to pay more than they make. It would have been a typical scenario for an employee of this company who made $25,000 a year to be told by the IRS that he or she owed $300,000 or more. In fact, many employees had to sell their homes and other possessions to pay taxes on a benefit they never had a legal right to enjoy.

This body is often referred to as the people's House. With this legislation, we have the opportunity to assist ordinary people and correct an extraordinary wrong. The employees of Delta Drilling who were affected by this financial burden are not just the top managers and executives. Do not think this bill is some sort of loophole or tax break for a bunch of rich oilmen down in Texas. That is simply not the case. This bill changes a policy that has hit a small group of ordinary people in a bad way. That's what we are supposed to do here in the people's House—establish good laws that help good people and change bad laws that hurt good people. We must pass this good bill to help these good people and other people all across our Nation who have faced or may face this devastating situation.

I will be working with my friends and colleagues on the Ways and Means Committee to see this bill through the legislative process. I think it is important that we hold a hearing on this matter. When the Members of this body are able to hear firsthand the stories of these ordinary people from east Texas, I know they will understand the injustice of what has happened to them. I urge my colleagues to take a look at this matter, read the bill, talk to me, talk to the people involved and you will see that we must pass this bill.

TRIBUTE TO RAYMOND McKAY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. QUILLEN. Mr. Speaker, over the recent Congressional recess, this country lost a pioneer of the American labor movement, and I lost a good friend. Raymond McKay, who was the long-time president of the American Maritime Officers—a union that is such a vital link in this nation's seaborne economy—passed away on August 9 at age 68.

Ray McKay first served his country by joining the merchant marines and serving in the Pacific theater during World War II. His experiences there inspired him to devote his life to helping the workers who make our civilian merchant marine the greatest sealift force in the world.

In 1949, in New York, Ray helped found the Brotherhood of Marine Engineers, and rose to become its president in 1957. Over the next 35 years, Ray's continuous leadership of the union brought about a variety of expansions, name changes, and unrelenting growth. Ray's union, in 1992, became the American Maritime Officers, this country's greatest organization of seafaring officers. Ray defied the odds against a troubled U.S.-flag merchant marine by bringing new commercial and military charter jobs to his constituents.

Ray McKay was an innovator in labor-management relations and a true champion of the rights of his merchant marine officers. As someone who had worked at every level of the industry, his understanding of the realities and situations his members faced on their jobs helped him in his quest to better their conditions. He constantly strove to improve the benefits given to his members, but he never crossed the line that would have led to the harm of the overall industry. He always realized that a strong merchant marine is vital to the defense of this country, and all his efforts went towards this goal.

I knew Ray for many years. He was always an impassioned advocate, a giver of sound counsel, and a loyal friend. My wife Cecile and I join a host of his other friends in sending our deepest condolences to his wife and the rest of his extensive and loving family. Ray McKay has gone, but his legacy and memories remain with us. His friends, his industry, and his country will sorely miss him.

Mr. Speaker, so that others may better know Ray and his accomplishments, I would like to include this full-page tribute from page one of the American Maritime Officer, the official publication of AMO District 2 MEBA, Maritime Trades Department, AFL–CIO, Volume 23, Number 8, August, 1993.

[From the American Maritime Officer, August 1993]

RAYMOND T. McKAY, SEAFARING LABOR STATESMAN, DEAD AT 68

AMO President Raymond T. McKay, who turned a small union of marine engineers into the nation's strongest organization of licensed civilian American seafarers, died of heart failure in a Florida hospital on August 9. He was 68.

McKay, a marine engineer and the statesman of the licensed seagoing labor movement, also served as vice president of the National Marine Engineers Beneficial Association, president of the AFL–CIO Maritime Trades Department's Greater South Florida Maritime Trades Council, and as a U.S. delegate to the Seafarers' Section of the International Transport Workers Federation.

McKay—known among friends for a quick, earthy wit and a sharp strategic sense—had just been elected to another three-year term as president of AMO, the union he helped launch in New York in 1949.

"Ray McKay knew the players, the problems, the policies affecting the men and women who live and work at sea in the American merchant marine," said AMO Executive Vice President Jerome E. Joseph. "No one in maritime had a keener eye for the developing trend or a deeper appreciation of the past and what it means."

McKay, who held Union book No. M–1, "understood challenge, and he knew how to respond," Joseph added. "No licensed seafaring union leader had been more thoroughly tested—in the enginerooms of U.S. merchant ships, in organizing drives and on picket lines, at the bargaining table, in government, industry, and labor. No one put in

more time for more merchant marine officers."

Joseph said McKay, a native New Yorker, "was driven by character and instinct, dedicated to sustained employment for the men and women he was proud to represent."

McKay's legacy is "a union ahead of the pack, with the maritime industry's broadest job base for engine, deck, and radio officers, the most comprehensive benefits for officers and their families, the greatest opportunity for individual professional advancement."

In recent years, McKay defied the political and economic odds against a troubled U.S.-flag merchant marine by bringing new commercial and military charter jobs to his constituents while unemployment grew in other unions.

"Ray McKay knew that the easy decisions were not always the right ones," Joseph explained. "He wasn't afraid of the tough choices, and that courage made ours the most stable organization of its kind, the one best placed to cope with the extraordinary difficulties dogging our industry."

McKay's seafaring career began in the days before World War II. He was on an ammunition ship that left Pearl Harbor hours ahead of the Japanese attack that brought the U.S. into the war, and he sailed on several American-flag merchant ships in perilous North Atlantic convoys.

Those closest to McKay said the war experience instilled in him a respect for the sea, an appreciation of the U.S. merchant marine as a sealift asset, and an enduring devotion to those he considered the most admirable and valiant of all American workers—civilian merchant mariners.

After the war, McKay helped establish the Brotherhood of Marine Engineers, a union chartered by the Seafarers International Union of North America. "My office was the trunk of my car." McKay once recalled. "There weren't many of us, but we made a real difference."

Working first as a BME patrolman, then as director of the union's pension and welfare funds, McKay was elected BME president in 1957. McKay's work with the late SIUNA President Paul Hall was the start of a lasting if informal alliance with the Seafarers' union, now led by Michael Sacco.

In 1959, BME merged with MEBA locals to become MEBA Great Lakes Local 101, and McKay was elected president. The new union brought effective representation to engine and deck officers on the Great Lakes for the first time while maintaining contractual jurisdiction over a growing number of deep-sea jobs.

In 1960, Local 101 became District 2 MEBA and, later, District 2 MEBA-AMO (Associated Maritime Officers, which reflected the union's increasing representation of deck and radio officers). In 1992, the union's name was changed to American Maritime Officers, which McKay explained was "a more accurate indication of who we are."

As president of AMO, McKay gained the respect of management and labor as a tough but responsible negotiator who struck the necessary balance between the needs of union members and the health of the industry that employed them—even his rivals acknowledged McKay as a man of his word.

Joseph credited McKay with winning, and keeping, the industry's only "100-percent" medical and hospitalization benefits for merchant marine officers and their families, the most liberal retirement benefits, a unique college scholarship benefit for all dependent children of all AMO members, and an unequaled training and license upgrading program—which began in 1967 as a joint program with SIU to meet sealift manpower requirements during the Vietnam war.

McKay's commitment to excellence at sea through education and practical training led him to conceive of STAR Center—Simulation Training and Research, the most advanced ship simulator systems in the world, now in service at AMO in Dania, Florida. STAR Center is typical of McKay's vision and indicative of his confidence in our union's place in the 21st-Century American merchant marine."

But, for all his achievements, McKay shunned the spotlight. "Self-promotion was not Ray's style," Joseph said.

Joseph concluded: "Ray had a very simple philosophy, which said that work is everything to a person. He fought long and hard for good jobs for good people. We will miss him, particularly in this critical political time for the American merchant fleet."

McKay is survived by his wife, Dolly, three sons, a daughter, a brother, 15 grandchildren and four great-grandchildren.

McKay was waked at the AMO School of Marine Engineering and Navigation in Dania on August 11 and 12 and in New York on August 14 and 15. He was buried in Orangeburg, New York.

LONG BEACH REPEATS LITTLE LEAGUE CHAMPIONSHIP

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HORN. Mr. Speaker, I rise today to congratulate an outstanding group of young men from Long Beach who won the Little League World Series in late August in Williamsport, PA. The Long Beach squad is the first American team in the 47-year history of the Little League World Series to win the championship 2 years in a row.

The victory could not have been more dramatic or more satisfying. It was, as Mike Downey said in an August 30 Los Angeles Times column, "a situation from some fable, from some movie." Jeremy Hess, a 4 foot 11, 114-pound pinch hitter, came off the bench with two out in the bottom of the sixth and last inning to hit a bases loaded single into the gap in right center field, driving in pinch runner Charlie Hayes for a come-from-behind 3–2 win. The crowd of 40,000 watching the game included a large contingent of family and friends who had traveled from Long Beach to cheer the team to victory.

From Hess and Hayes to Sean Burroughs, the 5 foot 5, 171-pound dynamo whose hitting heroics and three consecutive no-hitters dominated the Little League World Series, all 14 boys—Alex DeFazio, Billy Gwinn, Brent Kirkland, Timmy Lewis, Chris Miller, Kevin Miller, Nate Meoiny, Travis Perkins, Scott Tobis, Cassidy Traub, and Brady Werner, in addition to Hess, Hayes, and Burroughs—on the team played a key role in this considerable achievement. They were guided by manager Larry Lewis, Timmy's father, and Jeff Burroughs, Sean's father, the former major league star who served as coach.

"This time," Long Beach Press Telegram sports writer Dave Cunningham noted in his article on the game, "they got to dance on the field." He was alluding to last year, when Long Beach lost in the championship game to the Philippines, 15–4, then was awarded the title a month later after it was learned that the Zamboanga team had used a number of ineligible players.

As Doug Krikorian said in a Long Beach Press Telegram column, "What [the team] accomplished the past few weeks has been quite impressive and a godsend to a community wracked in recent times by a slumping economy. But what made Long Beach's triumph even more satisfying is that it was done within the bounds of the Little League rules. This Long Beach victory was legitimate and forever will remain a sacred part of the city's history.

The accomplishment of these talented young men is all the clearer when one considers that some 2.7 million youths ages 11 to 12, on 180,000 teams world-wide began the Little League baseball season last spring. Only 14 of these youngsters—all living within a few blocks of each other in Long Beach—emerged as champions.

These young athletes fulfilled every athlete's fantasy—to become the best in the world at their sport. They have made their families and community very proud. The honesty, dedication, and hard work they exemplified in becoming this year's world champions will, I know, serve them well as they face challenges throughout their lives.

Tom Hennessy, who did a superb job of chronicling the Long Beach team's progress through the competition, perhaps best captured the essence of why the Little League experience is so important. "Little League," he said, "may be the most palpable example of the payoffs that come when adults invest time in kids."

In an August 29 article, Hennessy also quoted team mom Cissy Werner, who placed this experience in the proper perspective, noting, "I've always told my kids that baseball is a small part of their lives." To this, Hennessy added, "Right now, with the spotlight on them, and hometown waiting to welcome them, the kids can be forgiven for thinking of baseball as a very large part of their lives. Things, however, will right themselves soon enough, and, in time, they will go on to do the things in life they were meant to do.

"With the exception of Sean Burroughs, it seems safe to speculate that those things probably will be light-years from the game they played so well Saturday afternoon. Perhaps there is a surgeon's hand inside the magic glove of outfielder Cassidy Traub. Perhaps a future CEO lurks in the alert responsive brain of catcher Billy Gwinn. But whatever these 14 lads one day do, again and again, they will drift back in memory to about 6 p.m. on the 28th day of August 1993."

These young men, their parents, and the entire community can feel a great sense of pride in this accomplishment. It is a measure of what can be achieved when 14 young people demonstrate teamwork, dedication, fair play, hard work, and commitment to excellence in pursuit of a common goal. I applaud the example of the Long Beach Little League team and wish all those associated with it the best as they embark on their exciting and challenging futures.

In closing, I would like to include some of the articles of which I have made reference which tell of the victory and of the young men who made it a reality.

[From the Long Beach Press Telegram, August 29, 1993]

REPEATS—WE'RE WORLD CHAMPS!

Long Beach becomes first U.S. team to win 2 in a row.

[From the Los Angeles Times, Aug. 30, 1993]

NOTHING IS LITTLE ABOUT THEIR HEARTS

(By Mike Downey)

Mom, Dad, read this story. You'll love it. It is as good as mommy-daddy stories get. You can put yourself in the story. You can put your own child in it. You can even play the kid's part yourself, if you like. Throw a ball. Run through grass. Roll in the dirt. Play a game. Replay a dream.

This is the story of children, ages 11 and 12. They are from the age of innocence. These days, our storytellers don't always bring us happy news about children. But this is something good for a change. This one is straight from the parenthood manual. This one is for the whole family.

It takes place at a baseball game. There is a bright sun in the sky. There are boys on the field. There are parents in the stands.

Among them is Jill Bratton, a mother clutching an infant. She has an older boy, whose name is Jeremy Hess, who is not on the field with the other boys. He is sitting inside the dugout, wishing that he, too, could play.

It could be a Saturday afternoon anywhere in the world. In this case it is a weekend in the hinterland of Williamsport, Pa., population 33,401, which is a town famous for one thing. Every summer around this time, the Little League World Series is played here. And boys—and girls—from all over the world come here to play.

On this day, playing for the championship is a team of boys from a city with a boy's name, David, Da-veed, a village off the southwest Panamanian coast.

Yes, boys also play baseball beside the Golfo de Chiriqui, same as they do along the California coast.

The second team comes from Long Beach, where winning the Little League championship of the world is more than a fantasy. It is a reality.

This very championship was won by Long Beach in 1992. Trouble is, it was won on a technicality. The actual winning team, from the Philippines, had played boys in their mid-teens, boys who practically were men.

Every boy in the Long Beach lineup wants to win this time by scoring the most runs. Alex DeFazio, Sean Burroughs, Brady Werner, Timmy Lewis, Kevin Miller, his twin brother Chris, Brent Kirkland, Billy Gwinn, Nate Moeiny.

Everybody on the bench understands this, too. That includes a manager, Larry Lewis, and a coach, Jeff Burroughs, whose sons are on the field. And it includes Jeremy Hess, who is not.

Should the team lose to Panama, it will shake hands and try again next time, with new players. That would be the mature thing to do. Yet it isn't easy to be mature, not with the example set by grown men who play ball.

Suspensions galore had been handed down in the majors the day before, including some for a 48-year-old manager who attacked a player and some for a pitcher who sucker-punched an opponent whose arms were restrained.

Men will be boys; boys will be men. On the mound for Panama is a weed-thin, well-brought-up boy named Alex Beitia, who throws a soft curve in the first inning that strikes a Long Beach batter, 86-pound Brady Werner the opposing pitcher on the arm. Brady runs to first base. So does Alex, who sticks out his hand and says—in Spanish or English, it doesn't matter—that he is sorry.

If only someone could guarantee us that every game ever played by adults was as good as this game. From the very beginning there is a charm to it. For example, there is a 12-year-old girl, Maria Sansone, hired as a temp broadcaster by ABC-TV, who does interviews before and during the game.

"What did you eat for breakfast?" she inquires of Long Beach's star player, Sean Burroughs, who has hit many homers and missed few breakfasts.

"Three big bowls of cereal," Sean says.

The six innings that follow give everyone butterflies. Lewis, the Long Beach manager, sends his players onto the field with this: "Six innings of good, hard play, good fun, and we'll have a lifetime of memories!"

His coach, Burroughs, still has good memories of 5,536 major league at-bats. But today he is a parent.

So are Jim and Sissy Werner, whose son pitches a great game. So is Sandy Lewis, whose husband manages while their son plays left field. So is Debbie Burroughs, who clings to a lucky blue-haired troll doll like Linus to a blanket as her son plays shortstop with the skill of an adult.

They will remember everything from this day.

Billy Gwinn, getting advice on catching from Gary Carter before the game. Alex DeFazio, blocking a grounder like a pro. Anwar Morales, pinch-running with the potential winning run. Brent Kirkland, fouling one back into Jim Palmer's palms. Shaelen Burroughs, giving an exclusive to ABC's 12-year-old Diane Sawyer of tomorrow how her brother sure can be "annoying sometimes."

Everything.

Especially, the sixth inning of a six-inning game. The score is 2-2. Tim Lewis singles and goes to second on a wild pitch. Kevin Miller tries to bunt him along, but Lewis is out at third. Charlie Hayes pinch-runs. Chris Miller singles to left. Brent Kirkland singles to center. Judy Gwinn watches anxiously as her son, Billy, who has caught a great game, goes down swinging with a good rip at a 3-and-2 pitch.

Bases full, two out. For the championship. No parent alive can't appreciate what happens next.

There sits Jill Bratton, enjoying the game, edge of her seat, arms full of baby, when who should be asked to pinch-hit but No. 6 Jeremy Hess, her son; a situation from some fable, from some movie.

First pitch, he swings and misses. Cut to Mom, going: "Ohhh!" Second pitch, and the doink of an aluminum bat is music to a mother's ears. There goes the baseball, back, back, all the way to the wall.

To home plate runs Charlie Hayes. And around first base, arms in the air, pumping like Kirk Gibson's boy of the hour, runs Jeremy, whose mom is now crying and laughing all at once.

Forever and ever, for sons, for daughters, for fathers, for mothers, there are few moments such as this.

[From the Long Beach Press Telegram, Aug. 29, 1993]

LONG BEACH RULES BECAUSE IT FOLLOWED RULES

(By Doug Krikorian)

Viva Long Beach!

Hooray from its world champion Little League team.

Enshrine Babe Ruth Burroughs in Cooperstown pronto.

And I'm sure in the euphoria of Long Beach's dramatic 3-2 triumph over Panama that their giddy fans figure that Burroughs's teammates Alex DeFazio, Billy Gwinn, Charlie Hayes, Jeremy Hess, Brent Kirkland, Timmy Lewis, Chris Miller, Kevin Miller Nate Moeiny, Travis Perkins, Scott Tobis, Cassidy Traub and Brady Werner should be enshrined, too.

The Long Beach kids accomplished on the field of young men's dreams in Williamsport, Pa., Saturday afternoon what they couldn't do a year ago against those teen-agers posing as adolescents from the Philippines.

They won on the scoreboard this time—not as a result of an administrative edict as was the case when the Philippines' 15-4 triumph over them later was reversed.

They showed once again, as they have throughout the Little League playoffs, that there is no finer group of 11 and 12-year-old baseball players on one team in the whole, entire, wacky world.

From Bixby Knolls to the Wrigley District to Los Altos to El Dorado to Belmont Shores to Naples to Park Estates to the downtown to the west side to every corner of this vast city and its surrounding areas, people can rejoice and feel proud about the achievements of these Long Beach youngsters.

And you know what I found most interesting about the title game?

I knew I was actually witnessing an honest-to-goodness duel between two teams who actually abided by Little League's rules.

For a pleasant change of pace, there were no ringers on the field, no kids with fake birth certificates, no kids sporting mustaches, no accusing fingers being pointed by distrusting fans in the stands.

Everyone actually played by the same rules.

Alas, apparently that hasn't been the case for almost a quarter of a century in these Little League test matches that were dominated for so long by teams from the Far East, mainly Taiwan.

Taiwan probably would have emerged victorious again had the Little League hierarchy not become embarrassed by the Philippines' indiscretions—it took a brave Manila newspaperman to divulge that most of players were ineligible—and become more vigilant in its enforcement policies.

In light of this year's Taiwan entry—as well as the representative from the Dominican Republic—being booted out of the Little League tournament earlier this month, one now wonders about the legitimacy of the championships won by all those Taiwanese teams who routinely turned Williamsport into their private stomping grounds.

Were they always cheating?

Were they always sending kids over here that might have been in their teens, or been selected from a pool of players much larger than the rules permit?

The overwhelming feeling here is that they were, in light of all those one-sided scores.

In retrospect, one wonders why the Little League leaders waited so long to get tough with such frauds, considering a lot of innocent kids over the years suffered humiliating losses and personal indignities—one pitcher once yielded 21 runs to Taiwan in a title game—that might have been prevented.

So, as one viewed Saturday's exercise, one at least was comfortable in the knowledge that nothing but 11- and 12-year-olds were performing on the ball diamond.

Still, it would be understandable if skeptics wondered if the Long Beach team had been employing a true ringer in its robust pitcher/slugger/superstar performer, Sean Burroughs.

The ESPN announcers have been giving Sean's vital stats as 5-5 and 170. His papa, former major league baseball star Jeff Burroughs, recently told me he's 5-7 and 165.

It's really irrelevant what his height and weight are, but there is one thing about Sean Burroughs that everyone is in agreement about—he's one unique athletic specimen.

Obviously, there have been countless dominant Little League players across the seasons.

Those from Taiwan were spectacular, but I'm sure there are some Pony League players who would be spectacular, too, if they could sneak into the World Series competition.

Sean Burroughs is a mere 12 years old and, with natural development and maturation, it would seem he's destined to one day follow his father into the major leagues.

What he and his teammates accomplished the past few weeks has been quite impressive and a godsend to a community wracked in recent times by a slumping economy.

But what made Long Beach's triumph even more satisfying is that it was done within the bounds of the Little League rules.

This Long Beach victory was legitimate and forever will remain a sacred part of the city's history.

[From the Long Beach Telegram, Aug. 29, 1993]

CHAMPS—ALL STARS WIN BACK-TO-BACK

(By Tom Hennessy)

WILLIAMSPORT, PA.—The Little League world is Long Beach's oyster.

One year after a humiliating defeat by a Philippines team of ineligible players, the Long Beach All-Stars showed what they can do when the game is honest and the playing field is level.

They defeated Panama, 3-2, in a storybook ending on a hit by Jeremy Hess, the third baseman I once likened in a column to Winnie the Pooh.

Because Long Beach was later awarded the 1992 world title, when the irregularities were uncovered in the Philippines, this marks the first time a U.S. team has won back-to-back world titles since the series began in 1947.

Hess' game-winning single came with the bases loaded in the nail biting . . . no, make that knuckle-gnawing sixth inning of a tough, momentum-swinging game that recalled Ted Williams once asked about baseball: "Do you know how hard all this is?"

(In Little League baseball, the sixth is the last inning of regular play.)

The final run, scored by utility man Charlie Hayes, sent ecstasy through the stands where Long Beach fans had ridden a roller coaster for two innings that were so draining, some of the Beachers took on the ashen pallor of convicts in solitary.

In fact, so intense was Barbara Gorman, grandmother of Long Beach slugger Sean Burroughs, that she came close to cutting a hand—on her rosary.

"Maybe Little League (officials) will now see it's more exciting when the game is played by 11- and 12-year-olds," said team dad Dave Traub.

(Some of last year's team members from the Philippines were overage.)

Five minutes into the victory celebration team manager Larry Lewis said: "It doesn't get any better than this. I think this game epitomizes Little League baseball at its best."

Added Bob McKittrick, director of the Little League district that includes Long Beach: "I think it's a fine example of what can happen when the play is clean. And I think it says something for the (Little League) program that this game was clean."

Others, in their hysteria, screamed comments that alternately were profound or made no sense at all.

"This is better than the major leagues," said team mom Nancy Tobis.

"I can't talk, I can't think," said team mom Sandy Lewis, wife of the manager. "I'm just thinking of God, the country, apple pie and baseball. I'm speechless."

When she regained her speech, she said, "I also think that last year's Long Beach All-Star team made this possible."

Others overhearing her agreed, and some called for last year's players in the stands—Ryan Stuart, Dane Mayfield and Ryan Beaver—to join in the traditional victory run around the field. That, however, did not happen.

Said Debbie Mayfield, Dane's mother: "I'm so happy for them. It's really sweet to see this happen this way instead of the way it happened last year."

The first two congratulatory messages to be received here by the Long Beach All-Stars were from Long Beach Mayor Ernie Kell and from the California Angels.

What next?

Well, there will be a parade at noon Tuesday, as you doubtless know by now, in downtown Long Beach. And following, there will be a victory celebration in the Promenade Amphitheater.

It is a heady thing, of course, to think that Long Beach is being talked about today from Armenia to Zambia, Argentina to Zimbabwe, and all 75 countries in which Little League baseball is played.

"I've always told my kids that baseball is a small part of their lives," team mom Cissy Werner told me the other day.

She is quite correct to tell her kids that. But right now, with the spotlight on them, and their hometown waiting to welcome them, the kids can be forgiven for thinking of baseball as a very large part of their lives.

Things, however, will right themselves soon enough, and, in time, they will go on to do the things in life they were meant to do.

With the exception of Sean Burroughs, it seems safe to speculate that those things probably will be light-years from the game they played so well Saturday afternoon. Perhaps there is a surgeon's hand inside the magic glove of outfielder Cassidy Traub. Perhaps a future CEO lurks in the alert responsive brain of catcher Billy Gwinn.

But whatever these 14 lads one day do, again and again, for the rest of their days, they will drift back in memory to about 6 p.m. on the 28th day of August 1993.

When a kid the size of Winnie the Pooh hit a single. And he and his pals became the champions of the world.

[From the Long Beach Press Telegram, Aug. 31, 1993]

FOR THESE KIDS, THE (BASEBALL) PLAY'S THE THING

(By Tom Hennessy)

F. Scott Fitzgerald once called baseball "a boy's game."

He said that in derision, scolding Ring Lardner posthumously for having spent much of his writing talent on the sport.

Fitzgerald was wrong, I think. Baseball, at least from a spectator standpoint, is anybody's game. In the stands at Williamsport, Pa., last week when Long Beach won the Little League World Series, were all manner of people, including a starry-eyed woman with—I cannot explain this—a gerbil on her shoulder.

But if Fitzgerald had meant to say that baseball is most charmingly played by boys (and girls), I think he would have been right on the mark.

Perhaps no kids ever played it as charmingly and excitingly as the 14 Long Beach youngsters who are now the world champs of Little League.

Geography is part of that charm. In other years, teams have gone to Williamsport after being culled from entire nations. But if you put the point of a compass on the house of manager Larry Lewis, and draw a half-mile circle, it will include, I am told, the homes of 13 of the 14 Long Beach players.

In short, while our guys are world champions, they are a neighborhood team. Some of the players have been together since nursery school.

(Second local note. To measure how well baseball is played by kids in our area, consider this: one of the closest brushes the world champs had was a 1-0 contest against the All-Stars of the Lakewood-Cerritos Little League.)

Another part of the charm is that Little League baseball may be the best baseball there is; played without the impurities of exploding scoreboards, domed stadia, contract haggling, designated hitters or greed. It is baseball played mostly for joy.

Al Miller, whose twin sons, Kevin and Chris, are on the world champion team, says, "Baseball is so pure at this age. I don't expect to ever see baseball quite like this again."

Nor do I.

There is a criticism that Little League puts too much pressure on kids, and another that parents, coaches and managers become obsessed with winning. But one of the astonishing things to me is that the champs never appeared to be under pressure as they won one tournament after another.

It is true adults get carried away with their involvement now and then. But in games I saw this year, a lot of games, I doubt that sort of thing happened more than two or three times.

To the contrary, Little League seems to bring families closer than they might otherwise be. In Williamsport, a note came to me from Elliot Lewis, who is 15. His brother, Timmy, plays on the All-Stars. His dad, Larry, is the manager.

What Elliot wrote two days before the world championship game dispels the lore about sibling rivalry and unappreciative big brothers.

"I'm proud to be the brother of Timmy Lewis and the son of Larry the Legend. Strikeout or home run, Timmy always has a smile. When he gets a hit, it makes me tingle with pride.

"My Dad has handled the pressure and publicity great. His strategy and positive attitude have helped his team get to Williamsport . . . When the boys win the world championship, I can say, 'That's my Dad and Number 21 is my brother!'"

There is, too, a bit of childhood faith on this championship team. Partway through the All-Star playoffs, the team's slugger, Sean Burroughs, told his mom, "When I have two strikes against me, I've been asking God to give me something I can hit. He hasn't let me down yet."

"Do you remember to thank him?" asked Deborah Burroughs.

"Oh, yeah," said Sean. "I say, 'Thanks, God,'"

He may be the next Henry Aaron or Babe Ruth, but as his mom says, "There's still a lot of little boy in him."

And, happily, in all those world champions.

Little League also may be the most palpable example of the payoffs that come when adults invest time in kids. At breakfast one morning, when the team was still a long way from going to Williamsport, Lewis, an attorney, mused about his role as a Little League manager.

"Sometimes I ask myself, 'In the scheme of life, is all this really worth it?' And I answer myself, 'Yeah, in the scheme of life, all this really is worth it.'"

As noted, my wife and I watched a lot of Little League baseball this year. When, perhaps, we should have been doing "responsible" things—social things, business things—we were in the stands instead, shouting encouragement and strategy to kids who, most likely, never absorbed a word of our sage advice.

I would not trade those games for anything. In fact, watching Little League taught me more about the strategy of baseball than I ever derived from watching the major leagues.

Yet, when the rains end next spring, and Long Beach's Stearns Park is pronounced fit for another season, I am not sure we will be back.

It is difficult to explain that—save, perhaps, with a story of why the Irish writer, Sean O'Casey, once walked out in the middle of a concert by the great tenor, John McCormack.

When astonished friends asked why he had done this, O'Casey replied, "I couldn't bear another minute. It was too beautiful."

Thanks, kids, for a great season. An almost too beautiful season.

[From the Long Beach Press Telegram, Aug. 29, 1993]

HESS' HEROICS GIVE LONG BEACH SECOND CONSECUTIVE WORLD TITLE

(By Dave Cunningham)

WILLIAMSPORT, PA.—This time, they got to dance on the field.

Long Beach won the Little League World Series in a 3-2, sweaty-palms thriller over Panama Saturday afternoon.

The game was decided in the bottom of the last inning when pinch hitter Jeremy Hess delivered a two-out, bases-loaded single before 40,000 at Lamade Stadium in Williamsport, Pa.

And the All-Stars reveled in an experience that was denied them last year. They got to celebrate right there on the field.

"This is an absolutely indescribable feeling," said Long Beach manager Larry Lewis. "It's instant gratification.

"It's a victory that's not tainted in any fashion. There are no questions raised. We won it fair and square on the field."

Last year, Long Beach lost in the championship game to the Philippines, 15-4, only to have the world title transfered to them one month later, when the Zamboanga team was found to have used ineligible players.

"It's just a great feeling to leave the ballpark knowing we won it on the field," Lewis said, "and that all the players contributed, instead of winning it in some meeting room where all the bigwigs make the decisions."

Long Beach becomes the first U.S. team in the 47-year history of this tournament to repeat as Little League World Series champion.

When the season opened last spring, 2.7 million youngsters on 180,000 teams worldwide began playing Little League baseball in 75 different countries. Only 14 of those youngsters can eventually claim to be the best in the world.

Those 14 world champions live in Long Beach.

But David Doleguita Little League, the Latin America champion from David, Chiriqui, Panama, made Long Beach earn everything it got.

Panama pitcher Alex Beitia took a no-hitter into the fifth and didn't really falter until the bottom of the sixth and final inning, when he was trying to preserve a 2-2 tie.

That's when Long beach loaded the bases with one out. Panama brought in hard-throwing reliever Abel Navarro, who got a strikeout and was just one out away from escaping the jam and sending the game into extra innings.

"As soon as I saw that the kid was throwing nothing but fast-balls," Lewis said, "I told (coach) Jeff Burroughs, 'I think Hess is our man.'

"The reason I didn't start Jeremy is because they were throwing a curveball pitcher, and he has trouble with curves. But he's an extraordinary fast-ball hitter."

With one strike on him, Hess lined the next pitch to the fence. Pinch runner Charlie Hayes stomped on the plate with the winning run, and the celebration began.

"Mr. Beitia pitched one heck of a game," Burroughs said. "We were lucky to dribble a few hits in, but my hat is off to Panama. That was one of the most exciting games in Little League World Series history."

Panama struck first, scoring in the third inning when Navarro's two-out single to center brought home Ivan Atencio from second base.

Long Beach tied it in the fourth inning without the benefit of a hit.

Sean Burroughs and Brady Werner drew back-to-back walks to start the inning,and while Beitia was in the process of striking out the next two batters, the runners moved to second and third on a wild pitch.

Another wild pitch enabled Burroughs to score from third.

Panama reclaimed the lead in the fifth. Onesimo Morales drew a two-out walk, and Atencio lined a single to right, which sent Morales toward third. Burroughs' relay throw bounced away from third base, and Morales scored to make it 2-1.

Long Beach answered with a run in the bottom of the fifth on Werner's single to center, scoring Alex De Fazio from second base. De Fazio had broken up Beitia's no-hitter with a single to center and taken second on a wild pitch.

Long Beach looked like it was going to end the drama quickly in the bottom of the sixth and final inning.

Timmy Lewis led off with a single to left, then took second on a wild pitch.

Kevin Miller tried to sacrifice Lewis to third, but Navarro fielded the bunt cleanly at third and threw to shortstop Atencio covering for a tag play on Lewis.

Then Chris Miller and Brent Kirkland hit consecutive singles to load the bases.

Navarro replaced Beitia and struck out Billy Gwinn. Then he faced Hess, who had a date with destiny.

"As soon as I hit it," Hess said, "I knew it was in the gap."

Hess seemed more composed than his adult coaches.